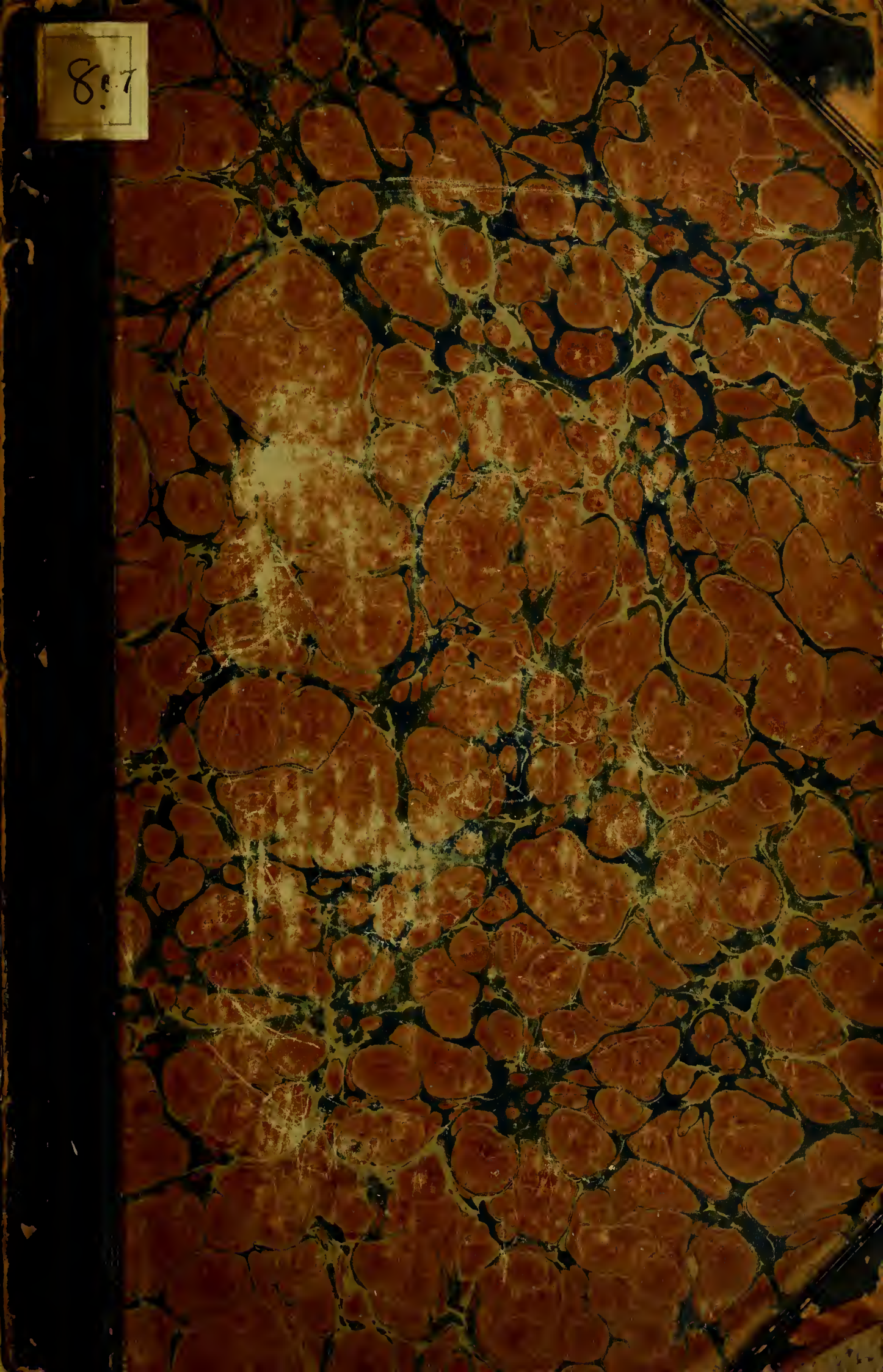


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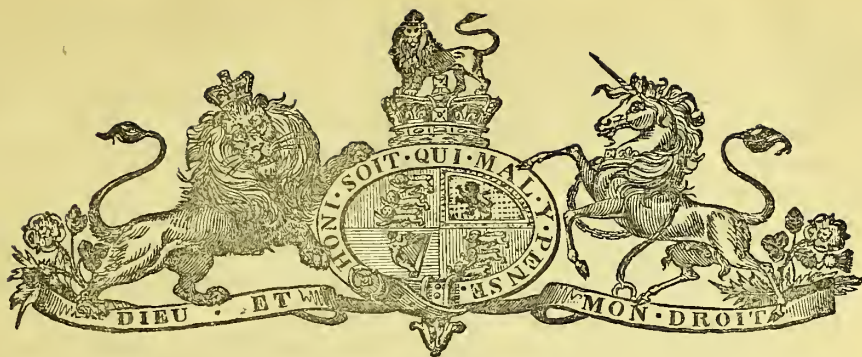
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ANNO NONO & DECIMO

VICTORIÆ REGINÆ.

C A P. LXXIV.

An Act to encourage the Establishment of public
Baths and Wash-houses. [26th August 1846.]

WHEREAS it is desirable for the Health, Comfort, and Welfare of the Inhabitants of Towns and populous Districts to encourage the Establishment therein of public Baths and Wash-houses and open Bathing Places: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That this Act may be adopted for any incorporated Borough in *England* which is regulated under an Act passed in the Sixth Year of the Reign of His late Majesty, to provide for the Regulation of Municipal Corporations, or any Charter granted in pursuance of the said Act, or any Act passed for the Amendment thereof, and also, with the Approval of One of Her Majesty's Principal Secretaries of State, for any Parish in *England* not within any such incorporated Borough.

Act may be
adopted in
certain
Boroughs
and Parishes.

II. And be it enacted, That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them,
9 I unless Interpretation of Act.

unless there be something in the Subject or Context repugnant to such Construction; that is to say,

“Parish” shall mean every Place having separate Overseers of the Poor, and separately maintaining its own Poor:

“Borough” shall mean City, Borough, Port, Cinque Port, or Town Corporate:

“Ratepayers” shall mean such of the Persons for the Time being assessed to and paying Rates for the Relief of the Poor of the Parish as for the Time being shall be duly qualified to vote for the Election of Overseers for the Parish:

“Churchwardens” shall mean also Chapelwardens, or other Persons discharging the Duties of Churchwardens:

“Overseers” shall mean also any Persons authorized and required to make and collect, or cause to be collected, the Rate for the Relief of the Poor of the Parish, and acting instead of Overseers of the Poor:

“Vestry” shall mean the Inhabitants of the Parish lawfully assembled in Vestry, or for any of the Purposes for which Vestries are holden, except in those Parishes in which there is a Select Vestry elected under an Act passed in the Fifty-ninth Year of the Reign of King George the Third, intituled *An Act to amend the Laws for the Relief of the Poor*, or elected under an Act passed in the Second Year of the Reign of His late Majesty, intituled *An Act for the better Regulation of Vestries, and for the Appointment of Auditors of Accounts in certain Parishes of England and Wales*, or elected under the Provisions of any Local Act of Parliament for the Government of any Parish by Vestries, in which Parishes it shall mean such Select Vestry:

“Commissioners” shall mean the Commissioners appointed in accordance with this Act for any Parish, and for the Time being in Office and acting as such Commissioners:

“Clerk” shall mean, as regards an incorporated Borough, the Town Clerk of such Borough; and as regards a Parish, the Clerk appointed pursuant to this Act by the Commissioners:

“Justice” shall mean Justice of the Peace for the County, Riding, Division, Liberty, Borough, or Place, where the Matter requiring the Cognizance of Justices shall arise:

“Lands” shall mean Lands, Tenements, and Hereditaments, of whatsoever Nature or Tenure:

Words importing the Masculine Gender shall include the Feminine:

Words of the Plural Number shall include the Singular, and Words of the Singular Number shall include the Plural.

Council of any Borough may adopt the Provisions contained in this Act, if they think fit.

III. And be it enacted, That the Council of any such Borough as aforesaid may, if they think fit, determine that this Act shall be adopted for such Borough, and then and in such Case such of the Provisions of this Act as are applicable in that Behalf shall thenceforth take effect and come into operation in such Borough, and this Act shall be carried into execution in such Borough in accordance with such Provisions and the Laws for the Time being in force relating to the Municipal Corporation of such Borough.

IV. And

IV. And be it enacted, That the Expenses of carrying this Act into execution in any such Borough in which the Council shall have resolved to adopt this Act for their Borough shall be chargeable upon and paid out of the Borough Fund, and for that Purpose the Council may levy with and as Part of the Borough Rate, or by a separate Rate to be assessed, levied, paid, and recovered in like Manner and with the like Powers and Remedies in all respects as the Borough Rate, such Sums of Money as shall be from Time to Time necessary for defraying such Expenses, and shall apply the same accordingly as if the Expense of carrying this Act into execution were an Expense necessarily incurred in carrying into effect the Provisions of the said Act of the Sixth Year of the Reign of His late Majesty; and the Income arising from the Baths and Wash-houses and open Bathing Places in any Borough shall be paid to the Credit of the Borough Fund thereof, and the Council shall keep distinct Accounts of their Receipts, Payments, Credits, and Liabilities, with reference to the Execution of this Act, to be called "The Public Baths and Wash-houses Account."

Expenses of carrying this Act into execution shall be charged upon the Borough Fund and Income arising carried to same.

V. And be it enacted, That upon the Requisition in Writing of Ten or more Ratepayers of any such Parish as aforesaid, not being within any such incorporated Borough, the Churchwardens or other Persons to whom it belongs to convene Meetings of the Vestry in such Parish shall convene a Meeting of the Vestry for the special Purpose of determining whether this Act shall be adopted for the Parish, after public Notice of such Vestry, and the Place and Hour of holding the same, and the special Purpose thereof, given in the usual Manner in which Notice of the Meetings of the Vestry is given at least Seven Days before the Day to be appointed for holding such Vestry; and if thereupon it shall be resolved by the Vestry that this Act ought to be adopted for the Parish, a Copy of such Resolution extracted from the Minutes of the Vestry, and signed by the Chairman, shall be sent to One of Her Majesty's Principal Secretaries of State for his Approval, and as soon as such Approval shall have been signified in Writing under the Hand of any such Secretary of State, such of the Provisions of this Act as are applicable in that Behalf shall thenceforth take effect and come into operation in the Parish: Provided always, that no such Resolution of the Vestry shall be deemed to be carried unless at least Two Thirds of the Number of Votes given on the Question according to the usual Manner of voting at such Vestry shall have been given for such Resolution.

On the Requisition of Ten Ratepayers, Churchwardens, &c. to convene Vestry Meeting to determine whether this Act shall be adopted.

If Vestry resolve to adopt the Act, a Copy of Resolution to be sent to Secretary of State, &c.

No Resolution deemed to be carried unless Two Thirds vote for it.

VI. And be it enacted, That in such Case the Vestry shall appoint not less than Three nor more than Seven Persons, being Ratepayers of the Parish, Commissioners for carrying this Act into execution in the Parish, of whom One Third, or as nearly as may be One Third (to be determined among themselves), shall go out of Office yearly, but shall be eligible for immediate Re-appointment.

Where Act adopted, Vestry to appoint Commissioners for carrying the same into execution.

VII. And be it enacted, That any Commissioner may at any Time resign his Office as a Commissioner on giving Seven Days Notice in Writing of his Intention to resign to the Clerk, and also to the Churchwardens,

Resignation of Commissioners.

VIII. And

Vacancies to be filled up by Vestry.

VIII. And be it enacted, That any Vacancies in the Commissionership may be filled up by the Vestry when and as the Vestry shall think fit.

Meetings of the Commissioners.

IX. And be it enacted, That the Commissioners shall meet at least once in every Calendar Month at their Office, or some other convenient Place previously publicly notified.

Special Meetings of Commissioners.

X. And be it enacted, That the Commissioners may meet at such other Time as at any previous Meeting shall be determined upon, and it shall be at all Times competent for any One Commissioner, by Writing under his Hand, to summon, with at least Forty-eight Hours Notice, the Commissioners for any special Purpose therein named, and to meet at such Times as shall be therein named.

Quorum of Meetings of Commissioners.

XI. And be it enacted, That at all Meetings of the Commissioners any Number not less than One Third of the whole Number when more than Three Commissioners shall have been appointed, and when only Three Commissioners shall have been appointed then any Number not less than Two Commissioners, shall be a sufficient Number for transacting Business, and for exercising all the Powers of the Commissioners.

Commissioners may appoint and remove Officers, &c.

XII. And be it enacted, That the Commissioners shall appoint, and may remove at pleasure, a Clerk and such other Officers and Servants as shall be necessary for effecting the Purposes of this Act, and, with the Approval of the Vestry, may appoint reasonable Salaries, Wages, and Allowances for such Clerk, Officers, and Servants, and, when necessary, may hire and rent a sufficient Office for holding their Meetings and transacting their Business, and may agree for and pay a reasonable Rent for such Office.

Minutes of Proceedings of Commissioners to be entered in a Book.

XIII. And be it enacted, That all Orders and Proceedings of the Commissioners shall be entered in Books, to be kept by them for that Purpose, and shall be signed by the Commissioners, or any Two of them; and all such Orders and Proceedings so entered, and purporting to be so signed, shall be deemed to be original Orders and Proceedings; and such Books may be produced and read as Evidence of all such Orders and Proceedings upon any Appeal, Trial, Information, or other Proceeding, civil or criminal, and in any Court of Law or Equity whatsoever.

Commissioners to keep Accounts, which shall be open to Inspection.

XIV. And be it enacted, That the Commissioners shall provide and keep Books in which shall be entered true and regular Accounts of all Sums of Money received and paid for or on account of the Purposes of this Act in the Parish, and of all Liabilities incurred by them for such Purposes, and of the several Purposes for which such Sums of Money shall have been paid and such Liabilities shall have been incurred; and such Books shall at all reasonable Times be open to the Examination of every Commissioner, Churchwarden, Overseer, and Ratepayer, without Fee or Reward, and they respectively may take Copies of or Extracts from such Books, or any Part thereof, without paying for the same; and in case the

Commis-

Commissioners, or any of them, or any of their Officers or Servants having the Custody of the said Books, being thereunto reasonably requested, shall refuse to permit or shall not permit any Churchwarden, Overseer, or Ratepayer to examine the same, or take any such Copy or Extract, every Commissioner, Officer, or Servant so offending shall for every such Offence forfeit any Sum not exceeding Five Pounds.

Penalty for refusing to allow Inspection.

XV. And be it enacted, That the Vestry shall yearly appoint Two Persons, not being Commissioners, to be Auditors of the Accounts of the Commissioners, and at such Time in the Month of *March* in every Year after the Adoption of this Act for the Parish as the Vestry shall appoint the Commissioners shall produce to the Auditors their Accounts, with sufficient Vouchers for all Monies received and paid, and the Auditors shall examine such Accounts and Vouchers, and report thereon to the Vestry.

Auditors to be appointed yearly, who shall examine the Accounts and report to Vestries.

XVI. And be it enacted, That the Expenses of carrying this Act into execution in any Parish not within any such incorporated Borough, to such Amount as shall be from Time to Time sanctioned by the Vestry, shall be chargeable upon and paid out of the Monies to be raised or applicable for the Relief of the Poor of the Parish.

Expenses of executing Act in any Parish to be paid out of the Poor's Rate.

XVII. And be enacted, That for defraying the Expenses which shall have been or shall be incurred in carrying this Act into execution in the Parish the Vestry may and shall from Time to Time order the Overseers to levy with and as Part of the Rate for the Relief of the Poor of the Parish such Sums as the Vestry shall deem necessary, and the Amount thereof shall accordingly be assessed, levied, paid, and recovered in like Manner, and with the like Powers and Remedies in all respects, as such Rate, and shall be paid by the Overseers, according to the Order of the Vestry, to such Person as shall be appointed by the Commissioners to receive the same, and his Receipt shall be a sufficient Discharge to the Overseers for the same, and shall be allowed accordingly in passing their Accounts.

Overseers to levy, as Part of the Poor's Rate, such Sums as Vestry shall deem necessary to pay Expenses.

XVIII. And be it enacted, That the Money raised for defraying the Expenses of carrying this Act into execution, and the Income arising from the Baths and Wash-houses and open Bathing Places in the Parish, shall be applied by the Commissioners in or toward defraying the Expenses of carrying this Act into execution in the Parish; and whenever, after Repayment of all Monies borrowed for the Purpose of carrying this Act into execution in the Parish, and the Interest thereof, and after satisfying all the Liabilities of the Commissioners with reference to the Execution of this Act in the Parish, and providing such a Balance as shall be deemed by the Commissioners sufficient to meet their probable Liabilities during the then next Year, there shall be at the Time of holding the Meeting of the Vestry at which the yearly Report of the Auditors shall be produced any surplus Money at the Disposal of the Commissioners, they shall pay the same to the Overseers in aid of the Rate for the Relief of the Poor of the Parish.

Monies raised, and the Income arising from Baths, &c. in the Parish, to be applied towards defraying Expenses.

XIX. And be it enacted, That the Vestries of any Two or more neighbouring Parishes which shall have respectively adopted this

Vestries of Two or more Parishes may

concur in carrying this Act into execution, subject to the Approval of Secretary of State.

Act may concur in carrying this Act into execution in such Parishes in such Manner not inconsistent with the Provisions of this Act, and for such Time, as they shall mutually agree; and for that Purpose it may, with the Approval of such Secretary of State, be agreed on between such Vestries that any public Baths and Wash-houses and open Bathing Places shall be erected and made in any One of such Parishes, to be vested in the Commissioners thereof, and that the Expenses of carrying this Act into execution with reference to the same shall be borne by such Parishes in such Proportions as such Vestries shall mutually agree, and the Proportion for each of such Parishes of such Expenses shall be chargeable upon and paid out of the Monies to be raised for the Relief of the Poor of the same respective Parish accordingly; and, according and subject to the Terms which shall have been so agreed on, the Commissioners appointed for each of such Parishes shall, in the Management of the said Baths and Wash-houses and open Bathing Places, form One Body of Commissioners, and shall act accordingly in the Execution of this Act, and the Accounts and Vouchers of such Commissioners shall be examined and reported on by the Auditors of each of such Parishes; and the surplus Money at the Disposal as aforesaid of such Commissioners shall be paid to the Overseers of such Parishes respectively in the same Proportions as those in which such Parishes shall be liable to such Expenses.

Incorporation of Commissioners.

XX. And for the more easy Execution of the Purposes of this Act, be it enacted, That the Commissioners of every such Parish shall be a Body Corporate with perpetual Succession, which shall not be deemed to be interrupted by any partial or total Vacancy from Time to Time in their Office, by the Name of "The Commissioners for public Baths and Wash-houses in the Parish of () in the County of ()," and by that Name may sue and be sued in all Courts, and before all Justices and others, and may have and use a Common Seal, and by that Name may take, hold, and convey any Lands vested in them for the Purposes of this Act.

Councils, &c. may borrow Money for the Purposes of the Act, with the Approval of the Treasury.

XXI. And be it enacted, That for carrying this Act into execution in any Borough or Parish respectively, the Council, with the Approval of the Commissioners of Her Majesty's Treasury, and the Commissioners, with the Sanction of the Vestry, and also with the Approval of the Commissioners of Her Majesty's Treasury, may from Time to Time borrow at Interest, on the Security of a Mortgage, as the Case may be, of the Borough Fund or of the Rates for the Relief of the Poor of the Parish, the Money which may be by them respectively required, and shall apply the Monies so borrowed accordingly.

The Public Works Loan Commissioners may advance Money for the Purposes of this Act.

XXII. And be it enacted, That the Commissioners for carrying into execution an Act passed in the Second Session of the Fifth Year of the Reign of Her Majesty, intituled *An Act to authorize the Advance of Money out of the Consolidated Fund to a limited Amount for carrying on Public Works and Fisheries and Employment of the Poor, and to amend the Acts authorizing the Issue of Exchequer Bills for the like Purposes*, may from Time to Time make to the Council of any such Borough, or Commissioners of any such Parish respectively,

tively, for the Purposes of this Act, any Loan under the Provisions of the recited Act or the several Acts therein recited or referred to, upon Security of the Borough Fund, or the Rates for the Relief of the Poor of the Parish, as the Case may be.

XXIII. And be it enacted, That the Provisions of the Companies Clauses Consolidation Act, 1845, with respect to the borrowing of Money by any Company on Mortgage, and the Provisions of the same Act with respect to the Accountability of the Officers of the Company, and the Provisions of the same Act with respect to the making of Byelaws, subject to the Provision herein-after contained, and the Provisions of the same Act with respect to the Recovery of Damages not specially provided for, and Penalties so far as such Provisions may respectively be applicable to the Purposes of this Act, shall be respectively incorporated with this Act; and the Expressions in such Provisions applicable to the Company and the Directors shall apply as regards a Borough to the Council, and as regards a Parish to the Commissioners; and all Deeds and Writings which under such Provisions are required or directed to be made or executed under the Common Seal of the Company shall in the Application of such Provisions to this Act be deemed to be required or directed to be made or executed as regards a Borough under the Common Seal of the Mayor, Aldermen, and Burgesses, and as regards a Parish under the Common Seal of the Commissioners; and so much of such Provisions as are applicable to the "Secretary of the Company" shall apply to the Clerk; and in such of the said Provisions as relate to the Inspection of Accounts as regards a Borough the Burgesses, and as regards a Parish the Ratepayers, shall have the Privileges of Shareholders.

8 & 9 Vict.
c. 16. incor-
porated with
this Act for
certain Pur-
poses.

XXIV. And be it enacted, That in any such Borough the Council, with the Approval of the Commissioners of Her Majesty's Treasury, may from Time to Time appropriate for the Purposes of this Act in the Borough any Lands vested in the Mayor, Aldermen, and Burgesses; and in any such Parish the Commissioners appointed under this Act, with the Approval of the Vestry and of the Guardians of the Poor of the Parish (if any), and of the Poor Law Commissioners for *England* and *Wales*, may from Time to Time appropriate for the Purposes of this Act in the Parish any Lands vested in such Guardians, or in the Churchwardens, or in the Churchwardens and Overseers of the Parish, or in any Feoffees, Trustees, or others, for the general Benefit of the Parish; and in any such Parish the Commissioners, with the Approval of the Vestry, and in any such Borough the Council, may from Time to Time contract for the purchasing or renting of any Lands necessary for the Purposes of this Act, and the Property therein shall be vested in the Mayor, Aldermen, and Burgesses in the Case of a Borough, or in the Commissioners in the Case of a Parish.

Council may
appropriate,
with Consent
of the Treas-
ury, Lands
vested in the
Mayor, &c.

Commission-
ers may, with
Approval of
Vestry, &c.,
appropriate
Lands be-
longing to
Parish;

or contract
for Purchase
of the same.

XXV. And be it enacted, That the Council and Commissioners respectively may from Time to Time, on any Lands so appropriated, purchased, or rented, or contracted so to be respectively, erect any Buildings suitable for public Baths and Wash-houses, and as to such Wash-

Councils and
Commission-
ers may
erect, &c.
public Baths

and Wash-houses and open Bathing Places.

Wash-houses either with or without open Drying Grounds, and make any open Bathing Places, and convert any Buildings into public Baths and Wash-houses, and may from Time to Time alter, enlarge, repair, and improve the same respectively, and fit up, furnish, and supply the same respectively with all requisite Furniture, Fittings, and Conveniences.

Councils and Commissioners may enter into Contracts for the Purposes of this Act.

XXVI. And be it enacted, That the Council and Commissioners respectively may from Time to Time enter into any Contract with any Persons or Companies for building and making, and for altering, enlarging, repairing, and improving, such public Baths and Wash-houses and open Bathing Places, and for supplying the same respectively with Water, and for lighting the same respectively, and for fitting up the same respectively, and for furnishing any Materials and Things, and for executing and doing any other Works and Things necessary for the Purposes of this Act; which Contracts respectively shall specify the several Works and Things to be executed, furnished, and done, and the Prices to be paid for the same, and the Times when the Works and Things are to be executed, furnished, and done, and the Penalties to be suffered in Cases of Non-performance; and all such Contracts, or true Copies thereof, shall be entered in Books to be kept for that Purpose: Provided always, that no Contract above the Value or Sum of One hundred Pounds shall be entered into by the Council or the Commissioners, for the Purposes of this Act, unless previous to the making thereof Fourteen Days Notice shall be given in One or more of the public Newspapers published in the County in which the Borough or Parish shall be situated, expressing the Intention of entering into such Contract, in order that any Person willing to undertake the same may make Proposals for that Purpose, to be offered to the Council or Commissioners at a certain Time and Place in such Notice to be mentioned, but it shall not be incumbent on the Council or Commissioners to contract with the Person offering the lowest Price.

No Contract above 100*l.* to be entered into without Notice.

Council or Commissioners may purchase existing Baths, &c.

XXVII. And be it enacted, That the Council of any such Borough, and the Commissioners, with the Approval of the Vestry of any such Parish, may, if they shall think fit, contract for the Purchase or Lease of any Baths and Wash-houses already or hereafter to be built and provided in any such Borough or Parish, and appropriate the same to the Purposes of this Act, with such Additions or Alterations as they shall respectively deem necessary; and the Trustees of any public Baths and Wash-houses which have been already or may hereafter be built or provided in any such Borough or Parish by private Subscriptions or otherwise may, with the Consent of the Council of any such Borough, or with the Consent of the Commissioners, and Approval of the Vestry of any such Parish, and with the Consent of a Majority of the Committee or other Persons by whom they were appointed Trustees, sell or lease the said Baths and Wash-houses to the said Council or Commissioners respectively, or make over to them the Management of such Baths and Wash-houses; and in all such Cases the Baths and Wash-houses so purchased or leased, or of which the Management has been so made over, shall be deemed to be within the Provisions of this Act as fully as if they had been built or provided by the said Council or Commissioners; and the Property therein shall

shall be vested in the Mayor, Aldermen, and Burgesses in the Case of a Borough, or in the Commissioners in the Case of a Parish.

XXVIII. And be it enacted, That any Commissioners of Waterworks, Trustees of Waterworks, Water Companies, Canal Companies, Gas Companies, and other Corporations, Bodies, and Persons having the Management of any Waterworks, Canals, Reservoirs, Wells, Springs, and Streams of Water, and Gas Works respectively, may in their Discretion grant and furnish Supplies of Water or Gas for such public Baths and Wash-houses and open Bathing Places either without Charge or on such other favourable Terms as they shall think fit.

Power to Water and Gas Companies to supply Water and Gas to Baths, &c.

XXIX. And be it enacted, That nothing in this Act contained shall render any Member of the Council of any Borough, or any Commissioner, personally, or any of their Lands, Goods, Chattels, or Monies (other than such Lands, Goods, Chattels, or Monies as may be vested in or under the Management or Control of the Council or Commissioners respectively in pursuance of this Act), liable to the Payment of any Sum of Money as or by way of Compensation or Satisfaction for or in respect of anything done or suffered in due pursuance of this Act.

Councillors and Commissioners not to be personally liable.

XXX. And be it enacted, That every Person who shall feel aggrieved by any Byelaw, Order, Direction, or Appointment of or by the Council or Commissioners shall have the like Power of Appeal to the General Quarter Sessions as under the Provisions of the Companies Clauses Consolidation Act, 1845, incorporated with this Act, he might have if feeling aggrieved by any Determination of any Justice with respect to any Penalty.

Persons may appeal against Orders of Councils and Commissioners.

XXXI. And be it enacted, That the Council, with the Approval of the Commissioners of Her Majesty's Treasury, and the Commissioners appointed under this Act, with the Approval of the Vestry, and of the Commissioners of Her Majesty's Treasury respectively, may from Time to Time make Sale and dispose of any Lands vested in the Mayor, Aldermen, and Burgesses, or in the Commissioners respectively for the Purposes of this Act, and apply the Proceeds in or towards the Purchase of other Lands better adapted for such Purposes, and may, with the like Approval, exchange any Lands so vested, and either with or without paying or receiving any Money for Equality of Exchange, for any other Lands better adapted for such Purposes, and the Mayor, Aldermen, and Burgesses, or the Commissioners, may convey the Lands so sold or exchanged accordingly.

Council, &c. empowered to make Sale and Exchange of Lands, with Consent.

XXXII. And be it enacted, That whenever any public Baths or Wash-houses or open Bathing Places which shall have been for Seven Years or upwards established under the Authority of this Act shall be determined by the Council or by the Vestry, in accordance with a previous Recommendation of the Commissioners, to be unnecessary or too expensive to be kept up, the Council or Commissioners, with the Approval of the Commissioners of Her Majesty's Treasury, may sell the same for the best Price that can reasonably be obtained for

When Baths, &c. are considered too expensive they may, with Approval of Treasury, be sold, and Proceeds

of Sale ear-
ried to Bo-
rough Fund
or Poor's
Rate.

the same, and the Mayor, Aldermen, and Burgesses, or the Commis-
sioners, shall convey the same accordingly; and the Purchase Money
shall be paid to such Person as the Council or Commissioners shall
appoint, and his Receipt shall be a sufficient Discharge for the same;
and the net Proceeds of such Sale shall be paid to the Credit of the
Borough Fund, or of the Rate for the Relief of the Poor of the
Parish.

Management
to be vested
in Councils
and Parish
Commis-
sioners.

XXXIII. And be it enacted, That the general Management, Re-
gulation, and Control of the public Baths and Wash-houses and open
Bathing Places established under this Act, shall, subject to the Pro-
visions of this Act, be as to any Borough vested in and exercised
by the Council, and as to any Parish vested in and exercised by the
Commissioners.

Council, &c.
may make
Byelaws
for regu-
lating the
Use of Baths
and Wash-
houses, &c.,
and Charges
thereat.

XXXIV. And be it enacted, That the Byelaws which the Council
and Commissioners respectively may from Time to Time make, alter,
repeal, and enforce shall include such Byelaws for the Management,
Use, and Regulation of the public Baths and Wash-houses and open
Bathing Places, and of the Persons resorting thereto respectively, and
for determining from Time to Time the Charges for the Use of such
Baths and Wash-houses and open Bathing Places respectively, as the
Council and Commissioners respectively shall think fit, and they
respectively may appoint any Penalty not exceeding Five Pounds for
any and every Breach, whether by their Officers or Servants, or by
other Persons, of any Byelaw made by them respectively; and such
Byelaws shall make sufficient Provision for the several Purposes
respectively expressed in the Schedule (A.) to this Act: Provided
always, that no Byelaw made under the Authority of this Act shall
be of any legal Force until the same shall have received the Approval
of One of Her Majesty's Principal Secretaries of State.

Byelaws to
be approved
by the Secre-
tary of State.

Copies or
Abstracts of
Byelaws to
be hung up
in every Bath
Room, &c.

XXXV. And be it enacted, That a printed Copy or sufficient
Abstract of the Byelaws relating to the Use of the Baths and open
Bathing Places respectively shall be put up in every Bath Room and
open Bathing Place respectively; and a printed Copy or sufficient
Abstract of the Byelaws relating to the Use of the Wash-houses
shall be put up in some convenient Place near every Washing Tub
or Trough, or every Pair of Washing Tubs or Troughs, in every
Wash-house.

Proportion
of Baths for
the Labour-
ing Classes.

XXXVI. And be it enacted, That the Number of Baths for the
Labouring Classes in any Building or Buildings under the Manage-
ment of the same Council or Commissioners shall not be less than
Twice the Number of the Baths of any higher Class if but One, or of
all the Baths of any higher Classes if more than One, in the same
Building or Buildings.

Charges to
be fixed by
Councils and
Commission-
ers, not ex-
ceeding those
in Schedule
(B.)

XXXVII. And be it enacted, That the Council and the Commis-
sioners respectively may from Time to Time make such reasonable
Charges for the Use of the Baths and Wash-houses and open Bathing
Places respectively provided under this Act as they shall think fit,
but not exceeding such Charges as are mentioned in the Schedule
(B.) annexed to this Act, unless for the Use of any Washing Tub or
Trough

Trough for more than Two Hours in any One Day, for which any Charges may be made which the Council or Commissioners respectively shall deem reasonable.

XXXVIII. And be it enacted, That for the Recovery of the Charges at such Wash-houses the Officers, Servants, and others having the Management thereof may detain the Clothes brought to be washed or other Goods and Chattels of any Person refusing to pay the Charge to which such Person may be liable, or any Part thereof, till full Payment thereof be made, and in case such Payment be not made within Seven Days may sell such Clothes, Goods, and Chattels, or any of them, returning the surplus Proceeds of such Sale, after deducting the unpaid Charge and the Expenses of such Detention and Sale, and the unsold Articles, if any, on Demand, to such Person.

As to Recovery of Charges at Wash-houses.

XXXIX. And be it enacted, That if any Clerk or other Officer, or any Servant who shall be in anywise employed by any Council or Commissioners in pursuance of this Act, shall exact or accept any Fee or Reward whatsoever for or on account of anything done or forborne or to be done or forborne in pursuance of this Act, or on any account whatsoever relative to putting this Act into execution, other than such Salaries, Wages, or Allowances as shall have been appointed by the Council or Commissioners, or shall in anywise be concerned or interested in any Bargain or Contract made by the Council or Commissioners for or on account of anything done or forborne or to be done or forborne in pursuance of this Act, or on any account whatsoever relative to the putting of this Act into execution, or if any Person during the Time he holds the Office of Member of the Council or Commissioner shall exact or accept any such Fee or Reward, or shall accept or hold any Office or Place of Trust created by virtue of this Act, or be concerned directly or indirectly in any such Bargain or Contract, every such Person so offending shall be incapable of ever serving or being employed under this Act, and shall for every such Offence also forfeit the Sum of Fifty Pounds.

Penalty for Council, Commissioners, or Officers taking Fees beyond Salaries, or being interested in Contracts.

XL. And be it enacted, That such Part of any Penalty recovered under this Act as shall not be awarded to the Informer shall be paid to the Credit as regards a Borough of the Borough Fund, and as regards a Parish of the Rate for the Relief of the Poor thereof.

Application of Penalties.

XLI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

Act may be amended, &c.

SCHEDULES referred to by the foregoing Act.

SCHEDULE (A.)

Byelaws to be made in all Cases.

For securing that the Baths and Wash-houses and open Bathing Places shall be under the due Management and Control of the Officers,
Servants,

Servants, or others appointed or employed in that Behalf by the Council or Commissioners.

For securing adequate Privacy to Persons using the Baths and Wash-houses and open Bathing Places, and Security against Accidents to Persons using the open Bathing Places.

For securing that Men and Boys above Eight Years old shall bathe separately from Women and Girls and Children under Eight Years old.

For preventing Damage, Disturbance, Interruption, and indecent and offensive Language and Behaviour, and Nuisances.

For determining the Duties of the Officers, Servants, and others appointed by the Council or Commissioners.

In Parishes. For regulating the Procedure of the Commissioners.

SCHEDULE (B.)

Maximum Charges during the First Seven Years after the Establishments are open for public Use; and after such Seven Years, except only so long after such Seven Years as higher Charges may be necessary for defraying the current Expenses of the Establishments.

Baths for the Labouring Classes, supplied with clean Water for every Bather, or for several Children bathing together :

For one Person above Eight Years old, including the Use of One clean Towel :

Cold Bath	-	-	-	-	One Penny.
Warm Bath	-	-	-	-	Twopence.

For several Children, not exceeding Four, including the Use of One clean Towel for every Child :

Cold Bath	-	-	-	-	Twopence.
Warm Bath	-	-	-	-	Fourpence.

Wash-houses for the Labouring Classes, supplied with Conveniences for washing and drying Clothes and other Articles :

For the Use by One Person of One Washing Tub or Trough, or One Pair of Washing Tubs or Troughs :

For One Hour only in any One Day	-	-	-	-	One Penny.
For Two consecutive Hours only in any One Day	-	-	-	-	Threepence.

Such Charges to include the Use of the drying Apparatus for drying all the Articles washed. The Time occupied in drying not to be included in the Hour or Two Hours. A Fraction of an Hour, exceeding Five Minutes, to be reckoned One Hour.

Open Bathing Places, where several Persons bathe in the same Water :

For One Person	-	-	-	-	One Halfpenny.
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ANNO DECIMO & UNDECIMO

VICTORIÆ REGINÆ.

C A P. LXI,

An Act to amend the Act for the Establishment of public Baths and Wash-houses. [2d July 1847.]

WHEREAS an Act was passed in the last Session of Parliament, intituled *An Act to encourage the Establishment of public Baths and Wash-houses*: And whereas it is expedient to afford additional Facilities for the Establishment of public Baths and Wash-houses and open Bathing Places: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the recited Act, as amended by this Act, and this Act, shall be construed and be carried into execution as One Act.

9 & 10 Vict.
c. 74.

Recited Act
and this Act
to be construed as
One.

II. And be it enacted and declared, That the following Words and Expressions in the recited Act shall have in the said Act and this Act the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

Interpretation of Expressions in recited Act and this Act.

“Parish” shall mean not only every Place having separate Overseers of the Poor and separately maintaining its own Poor, but also every Place maintaining its own Poor and having a Vestry:
“Ratepayers” shall mean all Persons for the Time being assessed to and paying Rates for the Relief of the Poor of the Parish:

“Vestry” shall mean not only a Vestry as defined in the said Act, but also any Body of Persons, by whatever Name distinguished, acting by virtue of any Act of Parliament, Prescription, Custom, or otherwise as or instead of a Vestry or Select Vestry.

Acts of Commissioners of Public Baths, &c. to be valid, notwithstanding Informalities.

III. And be it enacted, That when any Person shall have been appointed to the Office of Commissioners of Public Baths and Wash-houses for any Parish before the passing of this Act, the recited Act shall be deemed to have been duly adopted for such Parish, notwithstanding that there may have been any Defect or Irregularity in or in any way concerning such Adoption; and all Acts and Proceedings of any Person in possession of the Office of such Commissioner, and acting in good Faith as such Commissioner, whether appointed before or after the passing of this Act, shall, notwithstanding his Disqualification or Want of Qualification for or any Defect or Irregularity in or in any way concerning his Appointment to such Office, be as valid and effectual as if he were duly qualified, or there had not been any such Defect or Irregularity.

Incorporation of 8 & 9 Vict. c. 18.

Council, &c. not to take Lands, &c.

Proportion of Washing Accommodation for Labouring Classes.

IV. And be it enacted, That the Lands Clauses Consolidation Act, 1845, shall be incorporated with the recited Act and this Act: Provided always, that the Council and Commissioners respectively shall not purchase or take any Lands otherwise than by Agreement.

V. And be it enacted, That the Number of Washing Tubs or Troughs for the Labouring Classes in any Building or Buildings under the Management of the same Council or Commissioners shall not be less than Twice the Number of the Washing Tubs or Troughs of any higher Class, if but One, or of all the higher Classes if more than One, in the same Building or Buildings.

So much of recited Act as regulates Charges for Use of Baths, &c. repealed.

VI. And be it enacted, That so much of the recited Act as enacts that the Council and Commissioners respectively may make such reasonable Charges for the Use of the Baths and Wash-houses and open Bathing Places as they think fit, not exceeding such Charges as are mentioned in the Schedule (B.) to that Act, shall be repealed.

Power to make Charges for Use of Baths, &c. not exceeding those in the Schedule.

VII. And be it enacted, That the Council and the Commissioners respectively may from Time to Time make such reasonable Charges for the Use of the Baths and Wash-houses and open Bathing Places provided under the recited Act and this Act respectively as they think fit, not exceeding the Charges mentioned in the Schedule annexed to this Act.

Act may be amended, &c.

VIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

SCHEDULE to which this Act refers.

Charges for the Baths and Wash-houses and open Bathing Places.

1. BATHS FOR THE LABOURING CLASSES.

Every Bath to be supplied with clean Water for every Person bathing alone, or for several Children bathing together, and in either Case with One clean Towel for every Bather.

For One Person above Eight Years old :

Cold Bath, or cold Shower Bath, any Sum not exceeding - - - - - One Penny.

Warm Bath, or warm Shower Bath, or Vapour Bath, any Sum not exceeding - - - - - Twopence.

For several Children, not above Eight Years old, nor exceeding Four, bathing together :

Cold Bath, or cold Shower Bath, any Sum not exceeding - - - - - Twopence.

Warm Bath, or warm Shower Bath, or Vapour Bath, any Sum not exceeding - - - - - Fourpence.

2. BATHS OF ANY HIGHER CLASS.

Such Charges as the Council and the Commissioners respectively think fit, not exceeding in any Case Three Times the Charges above mentioned for the several Kinds of Baths for the Labouring Classes.

3. WASH-HOUSES FOR THE LABOURING CLASSES.

Every Wash-house to be supplied with Conveniences for washing and drying Clothes and other Articles :

For the Use by One Person of One Washing Tub or Trough, and of a Copper or Boiler (if any), or, where One of the Washing Tubs or Troughs shall be used as a Copper or Boiler, for the Use of One Pair of Washing Tubs or Troughs, and for the Use of the Conveniences for drying :

For One Hour only in any One Day, any Sum not exceeding - - - - - One Penny.

For Two Hours together, in any One Day, any Sum not exceeding - - - - - Threepence.

Any Time over the Hour or Two Hours respectively, if not exceeding Five Minutes, not to be reckoned.

For Two Hours not together, or for more than Two Hours in any One Day, such Charges as the Council and the Commissioners respectively think fit.

For

For the Use of the Washing Conveniences alone; or of the drying Conveniences alone, such Charges as the Council and the Commissioners respectively think fit, but not exceeding in either Case the Charges for the Use for the same Time of both the washing and the drying Conveniences.

4. WASH-HOUSES OF ANY HIGHER CLASS.

Such Charges as the Council and the Commissioners respectively think fit.

5. OPEN BATHING PLACES, where several Persons bathe in the same Water, for One Person One Halfpenny.

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ANNO UNDECIMO & DUODECIMO

VICTORIÆ REGINÆ.

C A P. LXIII.

An Act for promoting the Public Health.

[31st August 1848.]

WHEREAS further and more effectual Provision ought to be made for improving the sanitary Condition of Towns and populous Places in *England* and *Wales*, and it is expedient that the Supply of Water to such Towns and Places, and the Sewerage, Drainage, cleansing, and paving thereof, should, as far as practicable, be placed under one and the same local Management and Control, subject to such general Supervision as is herein-after provided: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That this Act may from Time to Time be applied, in manner herein-after provided, to any Part of *England* and *Wales*, except the Parts next herein-after mentioned; (that is to say,) the City of *London* and the Liberties thereof, the Parts within the Limits of certain Commissions of Sewers bearing Date at *Westminster* the Thirtieth Day of *November* in the Year of our Lord One thousand eight hundred and forty-seven, also the Parts within the Limits of a certain other Commission of Sewers bearing Date at *Westminster* the Fourth Day of *December* in the Year last aforesaid, and the Parts subject to the Jurisdiction of the Commissioners acting in the Execution of an Act of the Fifth Year of the Reign of King

8 U

George

Parts to which this Act may be applied.

George the Fourth, for (amongst other things) more effectually paving, lighting, watching, cleansing, and regulating the *Regent's Park*, and in the Execution of the several Acts for extending the Jurisdiction of such Commissioners.

Interpretation of Terms :	II. And be it enacted, That in the Construction of this Act the following Words and Expressions shall have the Meanings hereby assigned to them, unless such Meanings be repugnant to or inconsistent with the Context or Subject Matter in which such Words or Expressions occur ; (that is to say,)
Number :	Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number :
Gender :	Words importing the Masculine Gender shall include Females :
" Person :"	The Word " Person " and Words applying to any Person or Individual shall apply to and include Corporations, whether aggregate or sole :
" Lands :"	The Word " Lands " and the Word " Premises " shall include Messuages, Buildings, Lands, and Hereditaments of any Tenure :
" Premises :"	
" Owner :"	The Word " Owner " shall mean the Person for the Time being receiving the Rackrent of the Lands or Premises in connexion with which the said Word is used, whether on his own Account or as Agent or Trustee for any other Person, or who would so receive the same if such Lands or Premises were let at a Rackrent :
" Rackrent :"	The Expression " Rackrent " shall mean Rent which is not less than Two Thirds of the full net annual Value of the Property out of which the Rent arises ; and the full net annual Value shall be taken to be the Rent at which the Property might reasonably be expected to let from Year to Year, free from all usual Tenant's Rates and Taxes, and Tithe Commutation Rent-charge (if any), and deducting therefrom the probable average annual Cost of the Repairs, Insurance, and other Expenses (if any) necessary to maintain the same in a State to command such Rent :
" Month :"	The Word " Month " shall mean Calendar Month :
" Commissioners of the Treasury :"	The Expression " Commissioners of Her Majesty's Treasury " shall mean the Commissioners of Her Majesty's Treasury of the United Kingdom of <i>Great Britain</i> and <i>Ireland</i> for the Time being, or any Three or more of them, or the Lord High Treasurer of the United Kingdom of <i>Great Britain</i> and <i>Ireland</i> for the Time being :
" Superior Courts :"	The Expression " Superior Courts " shall include Her Majesty's Superior Courts of Record at <i>Westminster</i> , and the Court of Common Pleas of the County Palatine of <i>Lancaster</i> and the Court of Pleas of the County of <i>Durham</i> :
" Justice :"	The Word " Justice " shall mean any Justice of the Peace acting for the Place in which the Matter or any Part of the Matter, as the Case may be, requiring the Cognizance of the " Justice " arises :
" Two Justices :"	The Expression " Two Justices " shall mean Two or more Justices assembled and acting together in Petty Sessions, or One Stipendiary or Police Magistrate acting in any Police Court, for the Place

- Place in which the Matter or any Part of the Matter, as the Case may be, requiring the Cognizance of "Two Justices" arises : *Interpretation of Terms.*
- The Expression "Court of General or Quarter Sessions" shall mean the Court of General or Quarter Sessions of the Peace having Jurisdiction over the whole or any Part of the District or Place, as the Case may be, in which the Matter requiring the Cognizance of the "Court of General or Quarter Sessions" arises : "Court of General or Quarter Sessions :"
- The Word "Arbitrators" shall include a single Arbitrator ; and the Words "Arbitrators" and "Arbitrator" shall include an Umpire : "Arbitrators :"
- The Word "Oath" shall mean and include an Affirmation in the Case of Quakers, and a Declaration in the Case of Persons allowed by Law to make a Declaration in lieu of an Oath : "Oaths :"
- The Expression "Corporate Borough" shall mean any Corporate Borough mentioned in the Schedules annexed to an Act passed in the Sixth Year of the Reign of King *William* the Fourth, intituled *An Act for the Regulation of Municipal Corporations* in England and Wales, and any Borough incorporated by Charter granted or to be granted in pursuance of that or any subsequent Act : "Corporate Borough :"
5 & 6 W. 4. c. 76.
- The Word "District" shall mean the entire Area, Places, or Parts of Places comprised within the Limits of any District to which this Act or any Part thereof shall be applied by Order in Council or Provisional Order of the General Board of Health sanctioned by Parliament : "District :"
- The Expression "Corporate District" shall mean a District in which the Powers, Authorities, and Duties of the Local Board of Health of the District are exercised and executed by the Council of a Corporate Borough : "Corporate District :"
- The Expression "Noncorporate District" shall mean a District in which the Powers, Authorities, and Duties of the Local Board of Health of the District are not exercised and executed by the Council of a Corporate Borough : "Noncorporate District :"
- The Word "Street" shall apply to and include any Highway (not being a Turnpike Road), and any Road, public Bridge (not being a County Bridge), Lane, Footway, Square, Court, Alley, Passage, whether a Thoroughfare or not, and the Parts of any such Highway, Road, Bridge, Lane, Footway, Square, Court, Alley, or Passage within the Limits of any District : "Street :"
- The Word "House" shall include Schools, Factories, and other Buildings in which more than Twenty Persons are employed at One Time : "House :"
- The Word "Drain" shall mean and include any Drain of and used for the Drainage of One Building only, or Premises within the same Curtilage, and made merely for the Purpose of communicating therefrom with a Cesspool or other like Receptacle for Drainage, or with a Sewer into which the Drainage of Two or more Buildings or Premises occupied by different Persons is conveyed : "Drain :"
- The Word "Sewer" shall mean and include Sewers and Drains of every Description, except Drains to which the Word "Drain" interpreted as aforesaid applies : "Sewer :"
- The Term "Slaughter-house" shall mean and include the Buildings and Places commonly called Slaughter-houses and Knackers Yards, "Slaughter-house :"

*Interpretation
of Terms.*

“Water-
works Com-
pany :”

“Water-
works :”

“The Local
Board of
Health :”

“The Clerk,”
&c.

Yards, and any Building or Place used for slaughtering Cattle, Horses, or Animals of any Description for Sale :

The Expression “Waterworks Company” shall mean any Corporation, Person, or Company of Persons supplying or who may hereafter supply Water for their own Profit :

The Term “Waterworks” shall include Streams, Springs, Wells, Pumps, Reservoirs, Cisterns, Tanks, Aqueducts, Cuts, Sluices, Mains, Pipes, Culverts, Engines, and all Machinery, Lands, Buildings, and Things for supplying or used for supplying Water, also the Stock in Trade of any Waterworks Company :

The Expression “the Local Board of Health” shall mean the Persons authorized to execute in each District all or any of the Powers, Authorities, and Duties vested in or imposed upon the Local Board of Health by this Act :

The Expressions “the Officer of Health,” “the Clerk,” “the Treasurer,” “the Surveyor,” “the Inspector of Nuisances,” shall mean the Persons respectively appointed to be or authorized to execute the Offices of the Officer of Health, Clerk, Treasurer, Surveyor, and Inspector of Nuisances respectively in each District for the Purposes of this Act.

Mode of
citing this
Act.

III. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments and other Proceedings, it shall be sufficient to use the Words “The Public Health Act, 1848.”

*General Board
of Health.*

General
Board of
Health to be
constituted.

IV. And be it enacted, That the First Commissioner for the Time being of Her Majesty's Woods and Forests, Land Revenues, Works, and Buildings, together with such Two other Persons as Her Majesty by Warrant under the Royal Sign Manual may be pleased to appoint, shall be and constitute a Board for superintending the Execution of this Act, and shall be called “The General Board of Health,” and shall have and execute all the Powers and Duties vested in or imposed on such Board by this Act, and the said First Commissioner shall be the President of the said Board ; and Her Majesty may from Time to Time, at Her Pleasure, remove all or any of the Persons so appointed by Her, and appoint others in their Stead ; and the Powers and Duties vested in the said Board by this Act may be exercised and executed by any Two Members thereof ; and during any Vacancy in the said Board the continuing Members or Member thereof may act as if no Vacancy had occurred : Provided always, that the said General Board of Health shall be continued only for Five Years next after the Day of the passing of this Act, and thenceforth until the End of the then next Session of Parliament, and no longer.

Power to Ge-
neral Board
of Health
to appoint
Officers and
Servants,
subject to
Approval of
Treasury,
and to cause
a Seal to be
made.

V. And be it enacted, That the said Board may from Time to Time appoint a Secretary and such Clerks and Servants as they, subject to the Approval of the Commissioners of Her Majesty's Treasury, may deem necessary for the Purposes of this Act ; and every Person so appointed shall be removable at the Pleasure of the said Board ; and the said Board shall cause to be made a Seal for their Use in the Execution of this Act, and Documents or Copies of Documents purporting to proceed from them, and to be signed by any Two or more of them, and to be sealed or stamped with such

such Seal, shall be received as *primâ facie* Evidence in all Courts and Places whatsoever.

General Board of Health.

VI. And be it enacted, That the General Board of Health may from Time to Time appoint so many proper Persons as they, subject to the Approval of the Commissioners of Her Majesty's Treasury, may deem necessary, to be Superintending Inspectors for the Purposes of this Act; and every Person so appointed shall have all the Powers, Duties, and Liabilities vested in or imposed upon any Superintending Inspector by this Act, and shall assist in the Superintendence and Execution of this Act, when, where, and in such Manner as the said Board shall direct, and shall be removable at their Pleasure.

Power to appoint Superintending Inspectors, subject to Approval of Treasury.

VII. And be it enacted, That there shall be paid to such One of the Members of the General Board of Health, not being the President, as Her Majesty shall direct, and to the said Secretary, Clerks, and Servants, such Salaries or Wages, and to the said Superintending Inspectors such Allowances, as shall from Time to Time be appointed by the Commissioners of Her Majesty's Treasury, out of any Monies which may from Time to Time be provided by Parliament for that Purpose: Provided always, that the Allowance to a Superintending Inspector shall not exceed the Sum of Three Pounds Three Shillings for every Day he shall be actually employed or travelling in the Performance of the Duties of his Office; provided also, that the Commissioners of Her Majesty's Treasury may allow to any Superintending Inspector such reasonable travelling and other Expenses as may be incurred by him in the Performance of the Duties of his Office under this Act, in addition to his said Allowance.

Power to Treasury to grant Salaries, &c. to General Board of Health, Superintending Inspectors, &c.

VIII. And be it enacted, That from Time to Time after the passing of this Act, upon the Petition of not less than One Tenth of the Inhabitants rated to the Relief of the Poor of any City, Town, Borough, Parish, or Place, having a known or defined Boundary, not being less than 'Thirty in the whole, or where it shall appear or can be ascertained from the last Return for the Time being made up by the Registrar General of Births, Marriages, and Deaths from the Deaths registered in a Period of not less than Seven Years, that the Number of Deaths annually in any City, Town, Borough, Parish, or Place during the Period in respect whereof such Return shall have been made have on an Average exceeded the Proportion of Twenty-three to a Thousand of the Population of such City, Town, Borough, Parish, or Place, the General Board of Health may, if and when they shall think fit, direct a Superintending Inspector to visit such City, Town, Borough, Parish, or Place, and to make public Inquiry, and to examine Witnesses, as to the Sewerage, Drainage, and Supply of Water, the State of the Burial Grounds, the Number and sanitary Condition of the Inhabitants, and as to any Local Acts of Parliament in force within such City, Town, Borough, Parish, or Place, for paving, lighting, cleansing, watching, regulating, supplying with Water, or improving the same, or having relation to the Purposes of this Act, also as to the natural Drainage, Areas, and the existing municipal, parochial, or other local Boundaries, and the Boundaries which may be most advantageously adopted for the Purposes of this

Preliminary Inquiry.

Upon Petition of a certain Proportion of Household-ers, &c., or when the Deaths in any City, &c. appear upon the Registrar General's Returns to be above a certain Proportion, Superintending Inspector to make local Inquiry.

Preliminary Inquiry.

Act, and as to any other Matters in respect whereof the said Board may desire to be informed, for the Purpose of enabling them to judge of the Propriety of reporting to Her Majesty, or making a Provisional Order, as herein-after mentioned.

Inspector to give Notice of Inquiry and report to General Board the Result of the same.

Upon such Report General Board may if they think fit, cause Inspector to make further Inquiry respecting Boundaries, and present a further Report, which shall be published, &c.

IX. And be it enacted, That before proceeding upon such Inquiry the said Inspector shall give Fourteen Days Notice of his Intention to make the same, and of a Time and Place at which he will be prepared to hear all Persons desirous of being heard before him upon the Subject of such Inquiry, by Advertisement in some One or more of the public Newspapers usually circulated in the Parts to which the Inquiry will relate, and by causing such Notice to be affixed on the Doors of the principal Churches, Chapels, Public Buildings, and Places where public Notices are usually affixed within such Parts, and in such other Manner as may appear to the said Inspector to be necessary ; and so soon as can be after the Completion of such Inquiry he shall report in Writing to the General Board of Health, in such Manner as they may direct, upon the several Matters with respect to which he has been directed to inquire as aforesaid, and upon any other Matters with respect to which he may deem it expedient to report for the Purposes of this Act ; and if upon such Report it appear to the said General Board that the Boundaries which may be most advantageously adopted for the Purposes of this Act are not the same as those of the City, Town, Borough, Parish, or Place with respect to which Inquiry has been made, they shall cause the same or some other Superintending Inspector to visit the Parts within the Boundaries proposed to be adopted for the Purposes of this Act, and after having given such Notice as is herein-before prescribed, to hear all Persons desirous of being heard before him upon the Subject of the said Report and to make such further Inquiry and Report to the said Board as they may direct ; and upon the Presentation of such Report or further Report, the said Board shall cause Copies thereof respectively to be published in the Parts to which such Report or further Report respectively relate, in such Manner as they may direct, and shall also cause other Copies thereof respectively to be deposited with the Town Clerk of any Corporate Borough affected thereby, and with the Clerk to the Commissioners or Trustees acting under any Local Act of Parliament in force within such Parts for lighting, paving, cleansing, watching, regulating, supplying with Water, or improving such Parts or any of them, or in anywise relating to the Purposes of this Act, and with the Clerk to the Justices acting for any Petty Sessional Division in which such Parts may be, and with the Clerk of the Board of Guardians of the Union or Parish the whole or Part of which may be affected thereby ; and if such Report or further Report relate to Parts not being within any Corporate Borough the said Board shall cause other Copies of the same to be deposited with the Churchwardens or Overseers of the Poor of any Parish in which such Parts or any of them may be ; and the Copies so published or deposited shall be accompanied by a Notice stating that within a certain Time, not being less than One Month from the Time of such Publication and Deposit, written Statements may be forwarded to the said Board with respect to any Matter contained in or omitted from the said Report or further Report, or any

any Amendment proposed to be made therein; and all such State-ments shall be deposited with such Town Clerk, Clerk to Justices, Clerk to the Board of Guardians, and with such Churchwardens or Overseers respectively, in like Manner as the said Copies, and shall, together with such Copies, be open to public Inspection from the Hour of Eleven in the Forenoon till the Hour of Three in the After-noon every Day during the Time specified in the last-mentioned Notice, *Sundays, Christmas Days, Good Fridays*, and Days appointed for General Fasts or Thanksgivings only excepted; and any Town Clerk, Clerk to Justices, Clerk to the Board of Guardians, Church-wardens, or Overseers who shall refuse to receive any Document or Copy of any Document directed to be deposited with him or them as aforesaid, or to allow such Inspection, shall be liable for every such Offence to a Penalty not exceeding Five Pounds; and after the Expiration of such last-mentioned Notice the said Board may, if they think fit, direct such further Inquiry and Report as to them may seem necessary and proper.

*Preliminary
Inquiry.*

X. And be it enacted, That if after such Inquiry or further Inquiry as aforesaid it appear to the said General Board of Health to be expedient that this Act or any Part thereof should be applied to the City, Town, Borough, Parish, or Place with respect to which Inquiry has been made, upon the Petition of such Inhabitants as aforesaid, and within the same Boundaries as those of such City, Town, Borough, Parish, or Place, and within which there is no Local Act of Parliament in force for paving, lighting, (otherwise than for the Profit of Proprietors or Shareholders,) cleansing, watching, regulating, supplying with Water, or improving such City, Town, Borough, Parish, or Place, or any Part thereof, or in anywise relating to the Purposes of this Act, they shall report to Her Majesty accordingly; and at any Time after Presentation of such Report it shall be lawful for Her Majesty, by and with the Advice of Her Privy Council, to order that this Act or any Part thereof shall be applied to and be put in full Force and Operation within such City, Town, Borough, Parish, or Place; and if after such Inquiry or further Inquiry as aforesaid it appear to the said General Board to be expedient that this Act or any Part thereof should be put in force within Boundaries not being the same as those of the City, Town, Borough, Parish, or Place from which the said Petition proceeded, or within Boundaries where no Petition has been presented from such Inhabitants as aforesaid, or within any City, Town, Borough, Parish, or Place in which any such Local Act of Parliament as aforesaid is in force, they shall make a Provisional Order under their Hands and Seal of Office accordingly, with such Provisions, Regulations, Con-ditions, and Restrictions with respect to the Application and Execu-tion of this Act, or any Part thereof, and with respect to any such Local Act, and the Repeal, Alteration, Extension, or future Execu-tion of the same, and in all respects whatsoever, as they may think necessary under all the Circumstances of the Case; and such Provisional Order shall be published in the Parts to which the same relates in such Manner as the said General Board may direct, and shall be deposited with the Town Clerk of any Corporate Borough affected

*Application of
the Act.*

Cases in
which Act
shall be put
in force by
Order of
Her Majesty
in Council.

Cases in
which Act
shall be put
in force by
Provisional
Order of
General
Board, and
sanctioned
by Parlia-
ment.

*Application of
the Act.*

Exception
with respect
to certain
Local Acts
for supplying
Water.

Consent of
Town Coun-
cil, &c. in
certain
Cases.

affected thereby, and with the Clerk to the Commissioners or Trustees acting under any such Local Act, also with the Clerk to the Justices acting for any Petty Sessional Division in which such Parts may be, and with the Clerk of the Board of Guardians of the Union or Parish the whole or Part of which may be affected thereby; and if such Provisional Order relate to Parts not being within any Corporate Borough, the said Board shall cause other Copies of the same to be deposited with the Churchwardens or Overseers of the Poor of any Parish in which such Parts or any of them may be; and in case it shall be enacted by any Act of Parliament hereafter to be passed that the whole or Part of any Provisional Order or Orders of the General Board of Health shall be confirmed and be absolute, the whole or Part of such Provisional Order or Orders which shall be so confirmed shall be as binding and of the like Force and Effect as if the same had been expressly enacted by Parliament, and every such Act shall be deemed a Public General Act; but no such Provisional Order shall have any Force or Effect, nor shall this Act or any Part thereof be applied in either of the Cases last aforesaid, except for the Purposes of such Inquiry, further Inquiry, Report, or Provisional Order, without the previous Authority of Parliament; and no such Provisional Order, or any altered or amended Order, shall be made with respect to any Local Act of Parliament under which any Waterworks Company is empowered to construct Waterworks or supply Water for their own Profit, without the Consent of the Waterworks Company empowered by such Local Act first had and obtained: Provided always, that, except for the Purposes of Main Sewerage, no Corporate Borough or any Part thereof shall be included in any District not exclusively consisting of the whole or Part of One such Borough without the previous Consent of the Council under the Common Seal of the Borough; but nothing herein contained shall be construed to require such Consent to the Constitution of a District exclusively consisting of the whole or Part of One such Borough for all or any of the Purposes of this Act, nor to hinder or prevent the Application of all or any of the Provisions of this Act to Parts exclusively consisting of the whole or Part of One such Borough, although the same Parts or any of them may have been already included within a District for the Purposes of Main Sewerage: Provided also, that, except for the Purposes of Main Sewerage, no Parts beyond the Boundaries of a Corporate Borough shall be included in any District comprising the whole or Part of any such Borough, except upon the Petition of a Majority of the Owners of Property and Ratepayers who would be qualified to vote in the Election of Members of a Local Board of Health for the Parts proposed to be so included; but nothing herein contained shall be construed to require such Petition in order to the Constitution of a District exclusively consisting of Parts not within the Boundaries of any such Borough, nor to hinder or prevent the Application of all or any of the Provisions of this Act to a District exclusively consisting of such last-mentioned Parts, although the same Parts or any of them may have been already included within a District for the Purposes of Main Sewerage.

XI. And

XI. And be it enacted, That from and after the making of any such Order in Council, or the passing of any Act of Parliament confirming any Provisional Order of the General Board of Health, the Costs, Charges, and Expenses specially incurred by or under the Direction of the said General Board, or of any Superintending Inspector, in relation to any Inquiry or further Inquiry as aforesaid, shall, to such Extent and Amount as the Commissioners of Her Majesty's Treasury by Order under their Hands may think proper to direct, become a Charge upon the General District Rates levied in such District under the Authority of this Act, and be repaid to the said Commissioners by annual Instalments not exceeding Five, together with Interest after the yearly Rate of Five Pounds in the Hundred, to be computed from the Date of any such last-mentioned Order, upon so much of the Principal Sum due in respect of the said Costs, Charges, and Expenses as shall from Time to Time remain unpaid.

Preliminary Inquiry (continued).

Costs of preliminary Inquiry, &c., with Consent of Treasury, to become a Charge upon the General District Rates.

XII. And be it enacted, That in every District exclusively consisting of the whole or Part of One Corporate Borough, the Mayor, Aldermen, and Burgesses of such Borough shall be by the Council of the Borough, within and for such District, the Local Board of Health under this Act, and such Council shall exercise and execute the Powers, Authorities, and Duties of such Local Board, according to the Laws for the Time being in force with respect to Municipal Corporations in *England* and *Wales*; and in every District exclusively consisting of Two or more of such Boroughs, or of One or more of such Boroughs, and also of Part of any other such Borough or Boroughs, or exclusively consisting of Part of Two or more of such Borough or Boroughs, the Mayors for the Time being of the Boroughs whereof the whole or Part is within such last-mentioned District, and such Number of other Persons as shall be fixed by such Provisional Order as aforesaid to be selected by each of such Councils respectively out of their own Number, or from Persons qualified to be Councillors of the Borough in respect of which the Selection is to be made, and shall be named and selected by such Councils accordingly, shall, within and for such District, be the Local Board of Health under this Act; and in every District comprising the whole or Part of any such Borough or Boroughs and also Parts not within the Boundaries of any such Borough, the Mayor or Mayors for the Time being of the Borough or Boroughs whereof the whole or Part is within such last-mentioned District, and such Number of other Persons as shall be fixed by such Provisional Order to be selected by such Council or each of such Councils respectively out of their own Number, or from the Persons qualified to be Councillors of the Borough in respect whereof the Selection is to be made, and shall be named and selected by such Council or Councils accordingly, shall, together with such Number of Persons as shall be elected as herein-after mentioned in respect of such Noncorporate Parts, be, within and for such District, the Local Board of Health under this Act; and the First Selection by any such Council in pursuance of this Act shall be made on a Day to be appointed by Parliament; and each Person selected by the Council out of their own Number shall be a Member of the Local Board with which he is selected to act so long as he continues without Re-election to be Member of the Council from whom he was selected, and no longer;

Local Boards of Health.

Town Council to be the Local Board in Districts consisting of One Borough, &c. Selection, &c. of Local Boards by Town Councils.

Selection of Part of Local Board by Town Councils, and Part by Owners and Ratepayers.

*Local Boards
of Health.*

5 & 6 W. 4.
c. 76.

Election of
Members of
Local Board
by Owners
and Rate-
payers.

and each Person selected by the Council otherwise than out of their own Number shall be a Member of the Local Board with which he is selected to act for One Year from the Date of his Selection, and no longer; and in case of any Vacancy in the Number selected some other Person or Persons (as the Case may require) shall be selected by the Council by whom the Person or Persons causing the Vacancy was or were selected, within One Month after the Occurrence of the Vacancy; and the Meeting of any Council at which any Selection as aforesaid is made in pursuance of this Act shall to all Intents and Purposes be deemed to be a Meeting held in pursuance of an Act passed in the Sixth Year of the Reign of King *William the Fourth*, intituled *An Act for the Regulation of Municipal Corporations in England and Wales*.

XIII. And be it enacted, That in every District comprising the whole or Part of any Corporate Borough or Boroughs as aforesaid, and also any Part or Parts not within the Boundaries of any Corporate Borough or Boroughs, such Number of Persons, qualified as herein-after prescribed, as shall be fixed by such Provisional Order as aforesaid to be elected for such Part or Parts or for each of such Parts respectively, shall from Time to Time be elected in such Manner and by such Owners of Property and Ratepayers as herein-after mentioned, to be, together with the Persons selected as aforesaid in respect of the Corporate Parts of such District, and shall be, within and for such District, the Local Board of Health under this Act; and in every District not comprising the whole or Part of any Corporate Borough or Boroughs, but being a District to which this Act may be applied by Order of Her Majesty in Council, such Number of Persons, qualified as herein-after prescribed in this Behalf, as shall be fixed by such Order in Council, shall be elected, in such Manner and by such Owners of Property and Ratepayers as herein-after mentioned, to be, and shall be, within and for such District, the Local Board of Health under this Act; and in every District not comprising the whole or Part of any Corporate Borough or Boroughs, and being a District to which this Act cannot be applied without the Authority of Parliament, such Number of Persons, qualified as herein-after prescribed, as shall be fixed by such Provisional Order as aforesaid, shall be elected, in such Manner and by such Owners of Property and Ratepayers as herein-after mentioned, to be, and shall be, within and for such District, the Local Board of Health under this Act, and the First Election for any District or Part of a District shall take place on a Day to be appointed by Order of Her Majesty in Council or by Parliament (as the Case may require); and One Third of the Number elected for the whole or any Part or Parts of a District respectively shall go out of Office on such Day in each Year subsequently to that of the First Election as shall be appointed by such Order in Council or Provisional Order as aforesaid (as the Case may require); and the Order in which the Persons first elected shall go out of Office shall be regulated by each Local Board: Provided always, that if the Number of Persons to be elected be not divisible by Three, the Proportion to go out of Office in each Year shall be regulated by such Order in Council or Provisional Order (as the Case may require) so that as nearly as may be One Third shall go out of Office in each Year; and if the Number of
Persons

Persons to be elected for any Part of a District be less than Three the Persons elected shall go out of Office on such Day in each Year, or at such other Period, not being less than a Year, as such Order in Council or Provisional Order (as the Case may require) shall direct; but no Person elected shall in any Case continuously remain in Office for more than Three Years; and on the Days appointed for going out of Office a Number of Persons shall be elected equal to the Number of those so going out, and so many others as may be necessary to complete the full Number of the Local Board of Health in respect of which the Election is to be made.

Local Boards of Health.

XIV. And be it enacted, That the Number of Persons to be selected or elected for the whole or any Part of a District shall from Time to Time be regulated by such Order in Council or Provisional Order as aforesaid (as the Case may require), due regard being had to the Size and Circumstances of each District, as may appear to be just and proper; and that any Member of the Local Board of Health, after going out of Office, resigning, or otherwise ceasing to be such Member, may, if otherwise qualified, be again selected or elected (as the Case may require); and in the event of any Vacancy in the Number of Persons elected, by Death, Resignation, or otherwise, between the Times appointed for Election as aforesaid, or if at any Time the said Local Board be without its full Number of Members, the remaining Members shall continue and be as competent to act until the Time appointed for Election, or until the full Number is selected or elected (as the Case may require), as if no Vacancy had occurred; and if any Person be both selected and elected to be a Member of the Local Board of Health, he shall, within Three Days after Notice thereof from the Clerk, choose, or in default of such Choice the Local Board of which he is so selected and elected to be Member shall determine, the Title in respect of which he shall serve, and immediately upon such Choice or Determination the Person so selected and elected shall be deemed to be a Member only in respect of the Title so chosen or determined, and his Office as Member in respect of any other Title shall thereupon become vacant.

Regulations as to the Number of Persons to be selected or elected Members of Local Boards.

In case of Vacancies, remaining Members may act.

Persons both selected and elected, &c. to serve in respect of One Title only.

XV. Provided always, and be it enacted, That if any Corporate Borough or Part thereof be included only for the Purposes of Sewerage in any District comprising any Part or Parts not within the Boundaries of any such Borough, and the last-mentioned Part or Parts, or any of them, be constituted a District or Districts for any other Purposes of this Act, the Persons elected for such Sewerage District shall, within and for the separate District within which they shall have been so elected, be and constitute the Local Board of Health in the same Manner and as fully to all Intents and Purposes as if they had been expressly elected to constitute the same.

Members elected for Part of a Sewerage District to constitute separate Board for other Purposes of the Act.

XVI. And be it enacted, That every Person elected as aforesaid shall, at the Time of his Election, and so long as he shall continue in Office by virtue of such Election, be resident within the District for which or for Part of which he is elected, or within Seven Miles thereof, and be seised or possessed of Real or Personal Estate, or both, to such Value or Amount as shall be fixed by such Order in Council or Provisional

Qualification of elected Members.

*Local Boards
of Health.*

Provisional Order as aforesaid (as the Case may require), within the Limits next herein-after provided, or be so resident, and rated to the Relief of the Poor of some Parish, Township, or Place of which some Part is within such District or Part of a District, upon such annual Value as shall be fixed by such Order in Council or Provisional Order (as the Case may require), within the Limits next herein-after provided : Provided always, that it shall not be lawful to require that any Person be seised or possessed as aforesaid to a Value or Amount exceeding One thousand Pounds, or to require that any Person be rated upon an annual Value exceeding Thirty Pounds ; provided also, that if Two or more Persons be jointly seised or possessed of Real or Personal Estate, or both, of such Value or Amount as would, if equally divided between them, qualify each to be elected, or if Two or more Persons be jointly rated in respect of any Property which if equally divided between them would qualify each to be so elected, each of the Persons so jointly seised, possessed, or rated may be elected ; but the same Property shall not at the same Time qualify both the Owner and the Occupier thereof.

Declaration
to be made
by Members
of Local
Boards be-
fore acting.

XVII. And be it enacted, That no Person elected as aforesaid, or selected by any Council otherwise than out of their Number, shall act as Member of the Local Board of Health (except in administering the following Declaration) until he shall have made and signed before Two or more other Members for the District for which he is elected a Declaration in Writing to the Effect following ; (that is to say,)

‘ I *A.B.* do solemnly declare, That I am seised or possessed of Real
‘ or Personal [*or* Real and Personal] Estate to the Value or Amount
‘ of [or that I am rated to the Relief of the
‘ Poor of upon the annual Value of].
‘ (Signed) *A.B.*
‘ Made before us, *C.D.* and *E.F.*, Members of
‘ the Local Board of Health for the District of
‘ this Day of .’

False Decla-
ration a Mis-
demeanor.

And such Declaration shall be made and signed by the Person making the same, and shall be filed and kept by the Clerk ; and any Person who shall falsely or corruptly make and subscribe the said Declaration, knowing the same to be untrue in any material Particular, shall be deemed guilty of a Misdemeanor.

Person
neglecting to
make Decla-
ration or to
act for Three
Months to
cease to be
a Member.

XVIII. And be it enacted, That any Person elected as aforesaid, or selected by any Council otherwise than out of their own Number, who neglects to make and subscribe the Declaration required by this Act for the Space of Three Months next after his Selection or Election, and any Person selected or elected under this Act who during Three successive Months is absent from all Meetings and Committees of the Local Board of Health of which he is elected or selected to be Member, shall be deemed to have refused to act, and shall cease to be a Member of such Local Board, and his Office as such shall thereupon become vacant.

Disqualifi-
cations.

XIX. And be it enacted, That no Bankrupt, Insolvent, or other Person not qualified as aforesaid shall be capable of being elected as aforesaid ;

aforesaid ; and if any Person, after being so elected or selected by any Council otherwise than out of their own Number, shall lose or discontinue to hold his Qualification, or shall be declared bankrupt, or shall apply to take the Benefit of any Act for the Relief or Protection of Insolvent Debtors, or shall compound with his Creditors, or if any Member selected or elected under this Act shall accept or hold any Office or Place of Profit under the Local Board of Health of which he is Member, or shall in any Manner be concerned in any Bargain or Contract entered into by such Board, or participate in the Profit thereof, or of any Work done under the Authority of this Act, in or for the District for which he is Member, then and in every such Case such Person shall, except in the Cases next herein-after provided, cease to be such Member, and his Office as such shall thereupon become vacant ; and any Person who, not being duly qualified to act as Member of the said Local Board, or who has not made and subscribed the Declaration required of him by this Act, or who after being disqualified or disabled from acting by any Provision of this Act shall so act, shall for every such Offence be liable to a Penalty of Fifty Pounds, which may be recovered by any Person, with full Costs of Suit, by Action of Debt ; and in such Action it shall be sufficient for the Plaintiff to prove in the first instance that the Defendant at the Time when the Offence is alleged to have been committed acted as such Member ; and the Burden of proving Qualification, and the making and Subscription of the Declaration, or negating Disqualification, by reason of Non-residence, or not being seised or possessed of the requisite Real or Personal Estate, or both, shall be upon the Defendant : Provided always, that no Person, being a Proprietor. Shareholder, or Member of any Company or Concern established for the Supply of Water, or for the carrying on of any other Works of a like public Nature, shall be disabled from being, continuing, or acting as Member of the said Local Board by reason of any Contract entered into between such Company or Concern and such Board ; but no such Person shall vote as a Member of the said Local Board upon any Question in which such Company or Concern is interested : Provided also, that all Acts and Proceedings of any Person disqualified, disabled, or not duly qualified as aforesaid, or who has not made and subscribed the said Declaration, shall, if done previously to the Recovery of the last-mentioned Penalty, be valid and effectual to all Intents and Purposes whatsoever.

XX. And be it enacted, That at every such Election as aforesaid the Ratepayers in respect of Property in the District or Part of a District for which the Election is held, and the Owners of such Property, shall be entitled to vote according to the Scale following ; (that is to say,) if the Property in respect of which the Person is entitled to vote be rated upon a rateable Value of less than Fifty Pounds he shall have One Vote ; if such rateable Value amount to Fifty Pounds and be less than One hundred Pounds he shall have Two Votes ; if it amount to One hundred Pounds and be less than One hundred and fifty Pounds he shall have Three Votes ; if it amount to One hundred and fifty Pounds and be less than Two hundred Pounds he shall have Four Votes ; if it amount to Two hundred Pounds and be less than Two

*Election of
Local Boards.*
Qualification
of Elector,
and Scale of
voting.

*Election of
Local Boards.*

Definition of
the Words
"Owner" and
"Owners"
as applied to
this Act.

hundred and fifty Pounds he shall have Five Votes, and if it amount to or exceed Two hundred and fifty Pounds he shall have Six Votes; and any Person who is Owner and also *bonâ fide* Occupier of the same Property shall be entitled to vote both in respect of such Ownership and of such Occupation; and the Votes shall be given, taken, collected, and returned according to the Directions herein-after contained; and the Majority of the Votes actually collected and returned shall be binding on the District or Part of a District for which the Election is had; and whosoever shall not vote or shall not comply with such Directions shall be omitted in the Calculation of Votes, and be deemed to have had no Vote: Provided always, that the Word "Owner" and "Owners," when used in this Act in relation to the Right of voting at any Election under this Act, shall respectively be construed to mean any Person or Persons for the Time being in the actual Occupation of any Kind of Property rateable to the Relief of the Poor, and not let to him or them at a Rackrent, or any Person or Persons receiving, either on his or their own Account, or as Mortgagee or Mortgagees, or other Incumbrancer or Incumbrancers, in possession, the Rackrent of any such Property; and no Person shall be deemed a Ratepayer or be entitled to vote as such at any such Election unless he shall have been rated to the Relief of the Poor in the District or Part of a District for which he claims to vote for the Space of One whole Year immediately preceding the Day of tendering his Vote, and shall have also paid all Rates made upon him for the Relief of the Poor in such District or Part of a District for the Period of One whole Year, and shall have also paid all such Rates, and all Rates due from him under this Act, before that Day, in such District or Part of a District, except Rates which shall have been made or become due within the Six Months immediately preceding: Provided also, that in case of Property belonging to a Corporation Aggregate, or to a Joint Stock or other Company, or to any Body of Proprietors or Undertakers, such Corporation, Company, Body of Proprietors or Undertakers respectively shall be deemed to be One Owner for the Purpose of voting under this Act, and shall vote by Proxy appointed in Writing under the Common Seal (in case of a Corporation), or (in any other Case) under the Hands of Three Directors or other Persons in the Direction or Management of the Company or Concern; and no Member of such Corporation, nor any Proprietor or Person interested in such Company or Concern, shall be entitled to vote individually as Owner in respect of such Property; and no Owner whosoever shall be entitled to vote as such, unless, Fourteen Days at least previously to the Day of tendering his Vote, he shall have delivered to the Clerk, or (in case of the First Election) to such Person within the District in which the Qualification to vote is situate as shall be directed by such Order in Council or Provisional Order (as the Case may require), a Statement in Writing of his Name and Address, and containing a Description of the Nature of his Interest or Estate in the Property giving the Qualification, and a Statement of the Amount of all Rent-service (if any) which he may receive or pay in respect thereof, and of the Persons from whom he may receive or to whom he may pay the same; and no such Corporation Aggregate, Joint Stock or other Company, Body of Proprietors or Under-

Undertakers, shall be entitled to vote unless such Statement contain the Name and Address of the Proxy appointed, and a true Copy of the Appointment of such Proxy.

*Election of
Local Boards.*

XXI. And be it enacted, That at every Election by Owners of Property and Ratepayers under this Act the Chairman of the Local Board of Health, or, in case of the First Election, such Person as shall be appointed by Order of Her Majesty in Council, or by Provisional Order of the General Board of Health, (as the Case may require,) shall have the Powers and perform the Duties vested in or imposed upon the said Chairman by this Act in relation to any such Election, and shall perform all other Duties which it may be requisite for him to perform in conducting and completing Elections under this Act; and in case the Office of Chairman shall be vacant at the Time when any such Power or Duty must be executed or performed, or in case the Chairman or Person appointed as last aforesaid, from Illness or other sufficient Cause, shall be unable to exercise or discharge such Powers or Duties, or shall be absent, or shall refuse to act, some other Person who shall be appointed (in case of the First Election) by such Order in Council or Provisional Order, or (in any other Case) by the Local Board of Health, shall exercise or perform such of the said Powers and Duties as then remain to be exercised or performed; and the said Local Board, or (in case of the First Election) the Person appointed by such Order in Council or Provisional Order, shall, before or during the Election, appoint a competent Number of Persons to assist and attend upon the Chairman or the Person so appointed (as the Case may require) in conducting and completing the same.

Elections, by
whom to be
conducted.

XXII. And be it enacted, That the Clerk of the Board of Guardians of any Union, and the Overseers or other Officers of every Parish, wholly or in part within the Parts for which any such Election shall be held, and having the Custody of any Books or Papers relating to the Election of Guardians of the Poor, or the Poor Rate Books relating to any such Parish, shall permit the same to be inspected and Copies or Extracts to be taken therefrom by the said Chairman, or (in case of the First Election) by any Person appointed by such Order in Council or Provisional Order as aforesaid; and the said Chairman may, if he shall see fit, cause to be made an alphabetical List of the Persons entitled to vote at the Election.

Production
of Parochial
Books, &c.
for Purposes
of Election.

List of
Voters, &c.
to be made
if necessary.

XXIII. And be it enacted, That the said Chairman shall, before every such Election, prepare, sign, and publish a Notice, which shall contain the Particulars following; that is to say, the Number and Qualification of the Persons to be elected, the Persons by whom and the Places where the Nomination Papers herein-after mentioned are to be received, and the last Day on which they are to be sent, the Mode of voting in case of a Contest, and the Days on which the Voting Papers will be delivered and collected, and the Time and Place for the Examination and casting up of the Votes; and he shall also cause such Notice to be affixed on such Places in the Parts for which the Election is to be held as are ordinarily made use of for affixing thereon Notices of Parochial Business: Provided always, that when-
ever

Publication
of Notices
previously to
Election.

*Election of
Local Boards.*

ever the Day appointed for the Performance of any Act in relation to any such Election shall be on a *Sunday, Christmas Day, or Good Friday*, or any Day appointed for Public Fast or Thanksgiving, such Act shall be performed on the Day next following.

Nomination
and Election
of Candi-
dates.

XXIV. And be it enacted, That any Person entitled to vote may nominate for the Office of Member of the Local Board of Health himself (if qualified to be elected), or any other Person or Persons so qualified (not exceeding the Number of Persons to be elected); and every such Nomination shall be in Writing, and shall state the Names, Residence, Calling, or Quality of the Persons nominated, and shall be signed by the Party nominating, and be sent to the said Chairman; and if the Number of Persons nominated shall be the same or less than the Number of Persons to be elected, such Persons (if duly qualified) shall be deemed to be elected, and shall be certified accordingly by the said Chairman under his Hand; but if the Number so nominated exceed the Number to be elected, the said Chairman shall cause Voting Papers, in the Form contained in the Schedule (A.) to this Act annexed, to be prepared and filled up, and shall insert therein the Names of all the Persons nominated, in the Order in which the Nomination Papers were received, but it shall not be necessary to insert more than once the Name of any Person nominated; and the said Chairman shall, Three Days before the Day of Election, cause One of such Voting Papers to be delivered by the Persons appointed for that Purpose, to the Address in the Parts for which the Election is to be held of each Owner and Proxy, and at the Residence of each Ratepayer entitled to vote therein: Provided always, that if any Person put in nomination shall tender to the Officer conducting the Election his Refusal in Writing to serve as a Member of the Local Board of Health, and if in consequence of such Refusal the Number of Persons nominated shall be the same as or less than the Number of Persons to be elected, all or so many of the remaining Candidates as shall be duly qualified shall be deemed to be elected, and shall be certified as such by the Chairman under his Hand.

Mode of
voting.

XXV. And be it enacted, That each Voter shall write his Initials in the Voting Paper delivered to him against the Name or Names of the Person or Persons (not exceeding the Number of Persons to be elected) for whom he intends to vote, and shall sign such Voting Paper; and when any Person votes as a Proxy he shall in like Manner write his own Initials, and sign his own Name, and state also in Writing the Name of the Corporation, Company, or Body of Proprietors or Undertakers for which he is Proxy: Provided always, that if any Voter cannot write he shall affix his Mark at the Foot of the Voting Paper in the Presence of a Witness, who shall attest and write the Name of the Voter against the same, as well as the Initials of such Voter against the Name of every Candidate for whom the Voter intends to vote.

Regulations
as to Collec-
tion of Vot-
ing Papers.

XXVI. And be it enacted, That the said Chairman shall cause the Voting Papers to be collected on the Day of Election by the Persons appointed or employed for the Purpose in such Manner as he shall direct;

direct; but no Voting Paper shall be received or admitted unless the same have been delivered at the Address or Residence as aforesaid of the Voter within the Parts for which the Election is had, nor unless the same be collected by the Persons appointed or employed for that Purpose, except as next herein-after provided: Provided always, that if any Person qualified to vote shall not have received a Voting Paper as aforesaid, he shall, on Application before that Day to the said Chairman, be entitled to receive a Voting Paper from him, and to fill up the same in his Presence, and then and there to deliver the same to him: Provided also, that in case any Voting Paper duly delivered shall not have been collected, through the Default of the said Chairman, or the Persons appointed or employed to receive the same, the Voter in Person may deliver the same to the said Chairman before Twelve o'Clock at Noon on the Day, or the First Day, (as the Case may be,) appointed for the Examination and casting up of the Votes.

*Election of
Local Boards.*

XXVII. And be it enacted, That the Chairman shall on the Day immediately following the Day of the Election, and on as many Days immediately succeeding as may be necessary, attend at the Office of the Local Board of Health, and ascertain the Validity of the Votes, by an Examination of the Rate Books and such other Books and Documents as he may think necessary, and by examining such Persons as he may see fit; and he shall cast up such of the Votes as he shall find to be valid, and to have been duly given, collected, or received, and ascertain the Number of such Votes for each Candidate; and the Candidates to the Number to be elected who, being duly qualified, shall have obtained the greatest Number of Votes, shall be deemed to be elected, and shall be certified as such by the said Chairman under his Hand; and to each Person so elected the said Chairman shall send or deliver Notice of such Election; and the said Chairman shall also cause to be made a List containing the Names of the Candidates, together with (in case of a Contest) the Number of Votes given for each, and the Names of the Persons elected, and shall sign and certify the same, and shall deliver such List, together with the Nomination and Voting Paper which he shall have received, to the Local Board of Health at their First or next Meeting (as the Case may be), who shall cause the same to be deposited in their Office, and the same shall, during Office Hours thereat, be kept open to public Inspection, together with all other Documents relating to the Election, for Six Months after the Election shall have taken place, without Fee or Reward; and the said Chairman shall cause such List to be printed, and Copies thereof to be affixed at the usual Places for affixing Notices of Parochial Business within the Parts for which the Election shall have been made.

*Regulations
as to Exami-
nation of
Votes and
Elections
of Local
Boards.*

*Notices to
be sent to
Persons
elected.*

*List of Per-
sons elected,
&c. to be
transmitted
to Local
Boards, who
shall deposit
the same,
which shall
be open to
Inspection.*

XXVIII. And be it enacted, That if the said Chairman or other Person charged with taking, collecting, or returning the Votes at any such Election as aforesaid shall neglect or refuse to comply with any of the Provisions of this Act in that Behalf, he shall be liable for every such Offence to a Penalty not exceeding Fifty Pounds; and any Person employed for the Purposes of any such Election, by or under the said Chairman or other Person charged as aforesaid, who shall be guilty of any such Neglect or Refusal, shall

*Penalty upon
Persons
conducting
Elections
neglecting to
comply with
Provisions
of this Act.*

*Election of
Local Boards.*

be liable for every such Offence to a Penalty not exceeding Five Pounds.

Defects in
Election,
&c. not to
invalidate
Proceedings.

XXIX. And be it enacted, That all Proceedings of the Local Board of Health, and of any Person acting as Member or under the Authority thereof, shall, notwithstanding any Defect in the Selection or Election of such Board or any Member thereof, be as valid and effectual as if no such Defect had ever existed.

Expenses of
Elections to
be defrayed
out of Gene-
ral District
Rates.

XXX. And be it enacted, That the necessary Expenses attendant upon any such Election as aforesaid, and such reasonable Remuneration to Returning Officers and other Persons for Services performed or Expenses incurred by them in relation thereto as shall from Time to Time be allowed by the Local Board of Health in that Behalf, shall be paid out of the General District Rates to be levied under this Act.

Local Board
of Health in
Oxford and
Cambridge
to consist of
Oxford and
Cambridge
Improve-
ment Com-
missioners.
52 G. 3.
c. lxxii.
34 G. 3. c. civ.

XXXI. Provided always, and be it enacted, That nothing hereinbefore contained with respect to the Appointment, Selection, or Election of any Local Board of Health, or Member thereof, shall apply to the City of *Oxford*, or the Parts within the Jurisdiction of the Commissioners for amending certain Mileways leading to *Oxford*, and making Improvements in the University and City of *Oxford*, the Suburbs thereof, and the adjoining Parish of *Saint Clement*, (which Commissioners are herein-after called the *Oxford* Commissioners,) or to the Borough of *Cambridge*, or the Parts within the Jurisdiction of the Commissioners acting under an Act of the Thirty-fourth Year of the Reign of King *George* the Third, for amending and enlarging the Powers of a former Act of the same Reign for the better paving, cleansing, and lighting the Town of *Cambridge*, for removing and preventing Obstructions and Annoyances, and for widening the Streets, Lanes, and other Passages within that Town (which Commissioners are herein-after called the *Cambridge* Commissioners); and if the City of *Oxford*, or the Parts within the first-mentioned Jurisdiction, become a District under this Act, the same shall be called the *Oxford* District, and the said *Oxford* Commissioners for the Time being shall, within and for such District, be the Local Board of Health under this Act; and if the Borough of *Cambridge*, or the Parts comprised within the Jurisdiction secondly above mentioned become a District under this Act, the same shall be called the *Cambridge* District, and the said *Cambridge* Commissioners for the Time being shall, within and for such District, be the Local Board of Health under this Act.

With respect
to the Exe-
cution of the
Act by Com-
missioners
under Local
Acts in other
Cases.

XXXII. And be it declared and enacted, That whenever by any such Provisional Order as aforesaid the Commissioners or Trustees acting under any Local Act of Parliament are constituted the Local Board of Health under this Act, such Commissioners or Trustees shall, within and for the District to which such Provisional Order applies, exercise and execute the Powers, Authorities, and Duties vested in or imposed on the Local Board of Health by this Act, and so much of this Act as relates to the Appointment, Election, or Selection of Local Boards of Health shall not apply to such District.

XXXIII. And

XXXIII. And be it enacted, That if, after the Application of this Act to any District, the Parts constituting the District shall afterwards become or be entirely comprised within the Limits of a Corporate Borough, the Mayor, Aldermen, and Burgesses of such Borough shall, from and after such Day as shall have been specified in the Charter of Incorporation in this Behalf, be, by the Council of the Borough, the Local Board of Health within and for such District; and in case any Day shall have been so specified, but not otherwise, the Powers, Authorities, Duties, Property, and Liabilities of any other Persons as such Local Board shall from and after that Day absolutely cease and determine, and be vested in such Mayor, Alderman, and Burgesses, as fully to all Intents and Purposes as if they had always been the Local Board of Health from the Time when the District was originally constituted.

*Election of
Local Boards.*

Local Board of Health, in case of a District afterwards becoming a Corporate Borough.

XXXIV. And be it enacted, That the Local Board of Health of every Noncorporate District shall hold an annual Meeting, and other Meetings for the Transaction of Business under this Act once at least in each Month, and at such other Times as may be necessary for properly executing its Powers and Duties under this Act, and shall from Time to Time make Byelaws with respect to the summoning, Notice, Place, Management, and Adjournment of such Meetings, and generally with respect to the Transaction and Management of Business by such Board under this Act: Provided always, that no Business shall be transacted at any such Meeting unless at least One Third of the full Number of Members be present thereat, except in either of the Districts to be called the *Oxford* or *Cambridge* Districts, in which Cases Business may be transacted if at least Seven Members be present; and all Questions shall be decided by a Majority of Votes; and the Names of the Members present, as well as of those voting upon each Question, shall be recorded; and the said Local Board shall at their First Meeting under this Act, and afterwards from Time to Time at their annual Meeting, appoint One of their Number to be Chairman for One Year at all Meetings at which he is present, and in case the Chairman so appointed be absent from any Meeting at the Time appointed for holding the same, the Members present shall appoint One of their Number to act as Chairman thereat; and in case the Chairman appointed as first aforesaid die, resign, or become incapable of acting, another Member shall be appointed to be Chairman for the Period during which the Person so dying, resigning, or becoming incapable would have been entitled to continue in Office, and no longer; and the Chairman at any Meeting shall have a Second or Casting Vote in case of an Equality of Votes; but nothing herein contained with respect to the Appointment of Chairman shall apply to any District to be called the *Oxford* or *Cambridge* District, and in such Districts the *Oxford* or *Cambridge* Commissioners respectively shall appoint a Chairman as heretofore.

*Meetings, &c. of
Local Boards.*

Meetings of Local Boards of Noncorporate Districts, and Regulation of Business, &c.

XXXV. And be it enacted, That the Local Board of Health shall from Time to Time provide and maintain such Offices as may be necessary for transacting their Business and that of their Officers and Servants under this Act, and (in the Case of a Noncorporate District) shall cause to be made a Seal for the Use of such Board in the Execution

Local Boards to provide Offices for transacting Business, and cause a Seal to be made.

*Meetings, &c. of
Local Boards.*

Execution of this Act; and Documents or Copies of Documents purporting to proceed from the said Local Board, and to be signed by any Five or more Members thereof, and to be sealed or stamped with such Seals, or (in the Case of a Corporate District) to be sealed with the Common Seal, shall be received as *primâ facie* Evidence in all Courts and Places whatsoever.

Committees
may be
appointed.

XXXVI. And be it enacted, That the Local Board of Health may from Time to Time appoint out of their own Number so many Persons as they may think fit, for any Purposes which in the Opinion of the said Local Board would be better regulated and managed by means of a Committee: Provided always, that the Acts of every such Committee shall be submitted to the said Local Board for their Approval.

Local Officers.

Power to
Local Boards
to appoint
Surveyor,
Inspector of
Nuisances,
Clerk, Treas-
urer, &c.

Same Person
may be Sur-
veyor and
Inspector of
Nuisances,
but not Clerk
and Treas-
urer.

XXXVII. And be it enacted, That the Local Board of Health shall from Time to Time appoint fit and proper Persons to be Surveyor, Inspector of Nuisances, Clerk, and Treasurer for the Purposes of this Act, and shall appoint or employ such Collectors and other Officers and Servants as may be necessary and proper for the efficient Execution of this Act, and shall make Byelaws for regulating the Duties and Conduct of the several Officers and Servants so appointed or employed; and the said Local Board may pay, out of the General District Rates to be levied under this Act, to such Officers and Servants, such reasonable Salaries, Wages, or Allowances as the said Local Board may think proper; and every such Officer and Servant shall be removable by the said Local Board at their Pleasure, subject, nevertheless, in the Case of the Removal of the Surveyor, to the Approval of the General Board of Health: Provided always, that the same Person may be both Surveyor and Inspector of Nuisances; but neither the Person holding the Office of Treasurer, nor his Partner, nor any Person in the Service or Employ of them or either of them, shall hold, be eligible to, or shall in any Manner assist or officiate in the Office of Clerk; and neither the Person holding the Office of Clerk, nor his Partner, nor any Person in the Service or Employ of them or either of them, shall hold, be eligible to, or shall in any Manner assist or officiate in the Office of Treasurer; and whosoever offends in any of the Cases enumerated in this Proviso shall forfeit and pay the Sum of One hundred Pounds, which may be recovered by any Person, with full Costs of Suit, by Action of Debt.

Penalty upon
Officers, &c.
interested in
Contracts or
taking Fees
improperly.

XXXVIII. And be it enacted, That no Officer or Servant appointed or employed by or under the Local Board of Health shall in anywise be concerned or interested in any Bargain or Contract made with such Board for the Purposes of this Act; and if any such Officer or Servant be so concerned or interested, or shall, under colour of his Office or Employment, exact, take, or accept any Fee or Reward whatsoever, other than his proper Salary, Wages, and Allowances, he shall be incapable of afterwards holding or continuing in any Office or Employment under this Act, and shall forfeit and pay the Sum of Fifty Pounds, which may be recovered by any Person, with full Costs of Suit, by Action of Debt.

XXXIX. And

XXXIX. And be it enacted, That before any such Officer or Servant enters upon any Office or Employment under this Act by reason whereof he will or may be intrusted with the Custody or Control of Money, the Local Board of Health by whom he is appointed shall require and take from him sufficient Security for the faithful Execution of such Office or Employment, and for duly accounting for all Monies which may be intrusted to him by reason thereof; and every such Officer or Servant employed in the Collection of Rates under the Authority of this Act shall, within Seven Days after he shall have received any Monies on account of such Rates, pay over the same to the Treasurer, and shall, as and when the said Local Board may direct, deliver a List, signed by him, containing the Names of all Persons who have neglected or refused to pay any such Rate, and the Sums respectively due from them; and every Officer and Servant appointed or employed by or acting under the said Local Board shall respectively, when and in such Manner as shall be required by such Board, make out and deliver to them a true and perfect Account in Writing of all Monies received by him for the Purposes of this Act, and stating how, and to whom, and for what Purpose such Monies have been disposed of, and shall, together with such Account, deliver the Vouchers or Receipts for all Payments made by him, and pay over to the Treasurer all Monies owing by him upon the Balance of Accounts; and if any such Officer or Servant fail to render such Account, or to produce and deliver up such of the said Vouchers and Receipts as may be in his Possession or Power, or to pay over any such Monies as aforesaid, or if for the Space of Five Days after being thereunto required he fail to deliver up to the said Local Board all Papers and Writings, Property, Effects, Matters, and Things, in his Possession or Power, relating to the Execution of this Act, or belonging to such Board, then and in every such Case a Justice shall, on Complaint being made to him in that Behalf, summon the Party charged to appear and answer the Complaint before Two Justices at a Time and Place to be specified in the Summons; and upon the Appearance of the Party charged, or upon Proof that the Summons was personally served upon him, or left at his last known Place of Abode or Business, and if it appear to the last-mentioned Justices that he has failed to render any such Accounts, or to produce and deliver up any such Vouchers or Receipts, or any such Papers, Writings, Property, Effects, Matters, or Things as aforesaid, and that he still fails or refuses so to do, they may, by Warrant under their Hands and Seals, commit the Offender to Gaol, there to remain, without Bail, until he shall have rendered such Accounts, and produced and delivered up all such Vouchers, Receipts, Books, Papers, Writings, Property, Effects, Matters, and Things in respect of which the Charge was made; and if it appear that the Party charged has failed to pay over any such Monies as aforesaid, and that he still fails or refuses so to do, the last-mentioned Justices may, by a like Warrant, cause the same to be levied by Distress and Sale of his Goods and Chattels, and in default of any sufficient Distress commit him to Gaol, there to remain, without Bail, for a Period of Three Months, unless such Monies be sooner paid: Provided always, that if the Complainant, by Deposition on Oath, show to the Satisfaction of any Justice that there is probable Cause for believing

Local Officers.
Officers, &c.
intrusted
with Money
to give Se-
curity, and
to account.

Summary
Proceedings
to be taken
in case of
failing to
account, &c.

Local Officers. — that the Party charged intends to abscond, such Justice may, without previous Summons, by Warrant under his Hand and Seal, cause him to be forthwith apprehended; and in such Case the said Party shall, within Twenty-four Hours after Apprehension, be brought before the same or some other Justice, who may order that he be discharged from Custody, if such Justice think that there is no sufficient Ground for Detention, or that he be further detained until he be brought before Two Justices at a Time and Place to be named in the Order, unless Bail to the Satisfaction of the Justice be given for the Appearance of the Party before such Two Justices: Provided also, that no such Proceeding shall be construed to relieve or discharge any Surety of the Offender from any Liability whatsoever.

Power to
appoint an
Officer of
Health.

XL. And be it enacted, That the Local Board of Health may from Time to Time, if they shall think fit, appoint a fit and proper Person, being a legally qualified Medical Practitioner or a Member of the Medical Profession, to be and be called the Officer of Health, who shall be removable by the said Local Board, and shall perform such Duties as the said General Board shall direct; and the same Person may be Officer of Health for Two or more Districts; and the Local Board or Boards of Health of the District or Districts respectively for which any such Officer is appointed may pay to him, out of the General District Rates to be levied under this Act, such Remuneration by way of annual Salary or otherwise as the said Local Board or Boards may by Order in Writing determine and appoint, and (in case of a joint Appointment for Two or more Districts) in such Proportions as the said General Board may by Order in Writing determine and appoint: Provided always, that the Appointment and Removal of the Officer of Health shall be subject to the Approval of the said General Board.

*District Maps,
&c.*

Map exhibit-
ing System
of Sewerage.

XLI. And be it enacted, That the said Local Board of Health may, if they shall think fit, cause to be prepared, or to procure, a Map exhibiting a System of Sewerage for effectually draining their District for the Purposes of this Act, upon a Scale to be prescribed by the General Board of Health; and every such Map shall be kept at the Office of the said Local Board, and shall at all reasonable Times be open to the Inspection of the Ratepayers of the District to which it applies.

Expense of
Surveys, &c.

XLII. And be it enacted, That the Expense of Surveys, Maps, or Plans made, prepared, or procured by the Local Board of Health for the Purposes of this Act shall be defrayed out of the General District Rates to be levied under this Act.

Sewers.

Sewers, &c.
vested in
Local Board.

XLIII. And be it enacted, That all Sewers, whether existing at the Time when this Act is applied, or made at any Time thereafter, (except Sewers made by any Person or Persons for his or their own Profit or for the Profit of Proprietors or Shareholders, and except Sewers made and used for the Purpose of draining, preserving, or improving Land under any Local or Private Act of Parliament, or for the Purpose of irrigating Land, and Sewers under the Authority of any Commissioners of Sewers appointed by the Crown,) together

together with all Buildings, Works, Materials, and Things belonging or appertaining thereto, shall vest in, belong to, and be entirely under the Management and Control of the Local Board of Health.

Sewers.

XLIV. And be it enacted, That the Local Board of Health may, if they shall think fit, purchase the Rights, Privileges, Powers, and Authorities vested in any Person for making Sewers, or contract for the Use of any Sewers within their District, or purchase any such Sewers, with or without the Buildings, Works, Materials, and Things belonging or appertaining thereto; and any Person to whom any such Rights, Privileges, Powers, Authorities, Sewers, Buildings, Works, Materials, or Things belong may sell and dispose of the same to or otherwise contract with the said Local Board; and in case of any such Sale the Purchase Money shall be settled and applied to the same Uses and Trusts to which the Property purchased may have been subject at the Time of such Sale, and the Property purchased shall vest in and belong to the Local Board of Health purchasing the same, anything to the contrary notwithstanding: Provided always, that, notwithstanding any such Purchase, any Person who previously thereto may have acquired perpetual Right to use any Sewer so purchased shall be entitled to use the same, or any other Sewer substituted in lieu thereof, in as full and ample a Manner as he would or might have done if such Purchase had not been made.

Power to purchase, &c. certain Sewers.

XLV. And be it enacted, That the Local Board of Health shall from Time to Time repair the Sewers vested in them by this Act, and shall cause to be made such Sewers as may be necessary for effectually draining their District for the Purposes of this Act; and the said Local Board may carry any such Sewers through, across, or under any Turnpike Road, or any Street or Place laid out as or intended for a Street, or under any Cellar or Vault which may be under the Pavement or Carriageway of any Street, and, after reasonable Notice in Writing in that Behalf, (if upon the Report of the Surveyor it should appear to be necessary,) into, through, or under any Lands whatsoever; and the said Local Board may from Time to Time enlarge, lessen, alter, arch over, or otherwise improve all or any of the Sewers vested in them by this Act, and discontinue, close up, or destroy such of them as they may deem to have become unnecessary: Provided always, that the Discontinuance, closing up, or Destruction of any Sewer shall be so done as not to create a Nuisance; and if by reason thereof any Person is deprived of the lawful Use of any Sewer, the said Local Board shall provide some other Sewer as effectual for his Use as the One of which he is so deprived.

Making, Alteration, and Discontinuance of Sewers vested in Local Board.

XLVI. And be it enacted, That the Local Board of Health shall cause the Sewers vested in them by this Act to be constructed, covered, and kept so as not to be a Nuisance or injurious to Health, and to be properly cleared, cleansed, and emptied; and for the Purpose of clearing, cleansing, and emptying the same they may construct and place, either above or under Ground, such Reservoirs, Sluices, Engines, and other Works as may be necessary and may cause all or

As to cleansing and emptying Sewers, &c. by Local Board.

any

Sewers.
—

any of such Sewers to communicate with and be emptied into such Places as may be fit and necessary, or to cause the Sewage and Refuse therefrom to be collected for Sale for any Purpose whatsoever, but so as not to create a Nuisance.

Penalty for making unauthorized Sewers, and building over Sewers and under Streets.

XLVII. And be it enacted, That it shall not be lawful to cause any Sewer or Drain to communicate with or to be emptied into any Sewer of the Local Board of Health, nor to cause any Building to be newly erected over any such last-mentioned Sewer, nor to cause any Vault, Arch, or Cellar to be newly built or constructed under the Carriageway of any Street, without the written Consent of the said Local Board first had and obtained; and whosoever offends against this Enactment shall forfeit to the said Local Board the Sum of Five Pounds, and a further Penalty of Forty Shillings for every Day during which the Offence is continued after Notice in Writing from them in this Behalf; and if any Sewer, Drain, Building, Vault, Arch, or Cellar be made, erected, or constructed contrary to this Enactment, the said Local Board may cause the same to be altered, pulled down, or otherwise dealt with as they may think fit, and the Expenses incurred by them in so doing shall be repaid to them by the Offender, and be recoverable from him in the summary Manner herein-after provided.

Use of Sewers by Persons beyond District.

XLVIII. And be it enacted, That any Owner or Occupier of Premises adjoining or near to, but beyond the Limits of any District, may cause any Sewer or Drain of or from such Premises to communicate with any Sewer of the Local Board of Health, upon such Terms and Conditions as shall be agreed upon between such Owner and Occupier and such Local Board, or, in case of Dispute, as shall be settled by Arbitration in the Manner provided by this Act.

Drains, Privies, &c.
—

No new House to be built without Drains, &c.

XLIX. And be it enacted, That it shall not be lawful newly to erect any House, or to rebuild any House which may have been pulled down to or below the Floor commonly called the Ground Floor, or to occupy any House so newly erected or rebuilt, unless and until a covered Drain or Drains be constructed, of such Size and Materials, and at such Level, and with such Fall as upon the Report of the Surveyor shall appear to be necessary and sufficient for the proper and effectual Drainage of the same and its Appurtenances; and if the Sea, or a Sewer of the Local Board of Health, or a Sewer which they are entitled to use, be within One hundred Feet of any Part of the Site of the House to be built or rebuilt, the Drain or Drains so to be constructed shall lead from and communicate with such One of those Means of Drainage as the said Local Board shall direct, or if no such Means of Drainage be within that Distance, then the last-mentioned Drain or Drains shall communicate with and be emptied into such covered Cesspool or other Place, not being under any House, and not being within such Distance from any House, as the said Local Board shall direct; and whosoever erects or rebuilds any House or constructs any Drain contrary to this Enactment shall be liable for every such Offence to a Penalty not exceeding Fifty Pounds, which may be recovered by any Person, with full

Costs

Costs of Suit, by Action of Debt; and if at any Time, upon the Report of the Surveyor, it appear to the said Local Board that any House, whether built before or after the Time when this Act is applied to the District in which it is situate, is without any Drain, or without such a Drain or Drains communicating with the Sea or a Sewer as is or are sufficient for the proper and effectual Drainage of the same and its Appurtenances, and if the Sea or a Sewer of the said Local Board, or a Sewer which they are entitled to use, be within One hundred Feet of any Part of such House, they shall cause Notice in Writing to be given to the Owner or Occupier of such House, requiring him forthwith, or within such reasonable Time as shall be specified therein, to construct and lay down in connexion with such House and One of those Means of Drainage, One or more covered Drain or Drains, of such Materials and Size, at such Level, and with such Fall as upon the last-mentioned Report shall appear to be necessary; and if such Notice be not complied with the said Local Board may, if they shall think fit, do the Works mentioned or referred to therein, and the Expenses incurred by them in so doing shall be recoverable by them from the Owner in a summary Manner, or by Order of the said Local Board shall be declared to be Private Improvement Expenses, and be recoverable as such in manner hereinafter provided.

*Drains,
Privies, &c.*

Local Board may, upon Report of Surveyor that any House is without a Drain, cause one to be constructed, &c.

L. And be it enacted, That if it shall appear to a Majority of not less than Three Fifths of the rated Inhabitants of any Parish or Place containing less than Two thousand Inhabitants on the then last Census in which this Act shall not have been applied by Order in Council or Provisional Order as aforesaid, assembled at a Public Meeting to be called as is herein-after provided, that it would contribute to the Health and Convenience of the Inhabitants, that any Pond, Pool, open Ditch, Sewer, Drain, or Place containing or used for the Collection of any Drainage, Filth, Water, Matter, or Thing of an offensive Nature, or likely to be prejudicial to Health, should be drained, cleansed, covered, or filled up, or that a Sewer should be made or improved, a Well dug, or a Pump provided, for the public Use of the Inhabitants, the Churchwardens and Overseers of such Parish or Place shall procure a Plan and an Estimate of the Cost of executing such Works or any of them, and shall lay the same before another Public Meeting of such rated Inhabitants, to be called as is herein-after provided; and if the same shall be approved and sanctioned by a Majority of the rated Inhabitants assembled at such last-mentioned Meeting, such Churchwardens and Overseers shall cause the Works in respect of which such Estimate shall have been made and sanctioned as aforesaid to be executed, and shall pay the Cost thereof out of the Poor Rates of such Parish or Place: Provided always, that Notice of every such Meeting shall be given by such Churchwardens and Overseers as is by this Act directed to be given by Superintending Inspectors before proceeding upon Inquiries previously to the Application of this Act, and every such Notice shall also contain a Statement of the Works proposed or intended to be submitted for Consideration and Approval.

*Execution of
minor Works by
Overseers, &c.*

As to Construction of Sewers, Wells, Pumps, &c. for Parishes, &c. with less than 2,000 Inhabitants, and in which this Act is not otherwise applied.

*Drains,
Privies, &c.*

Penalty on
Persons
erecting
Houses with-
out Water-
closets, &c.

Local Board
may, upon
Report of
Surveyor,
order Water-
closets, &c.
to be erected
in Houses,
whether
built before
or after this
Act is ap-
plied, &c.

LI. And be it enacted, That it shall not be lawful newly to erect any House, or to rebuild any House pulled down to or below the Floor commonly called the Ground Floor, without a sufficient Water-closet or Privy and an Ashpit, furnished with proper Doors and Coverings; and whosoever offends against this Enactment shall be liable to a Penalty not exceeding Twenty Pounds; and if at any Time, upon the Report of the Surveyor, it appear to the Local Board of Health that any House, whether built before or after the Time when this Act is applied to the District in which it is situate, is without a sufficient Watercloset or Privy and an Ashpit, furnished with proper Doors and Coverings, the said Local Board shall give Notice in Writing to the Owner or Occupier of such House requiring him forthwith, or within such reasonable Time as shall be specified therein, to provide a sufficient Watercloset or Privy and an Ashpit, so furnished as aforesaid, or either of them, as the Case may require; and if such Notice be not complied with the said Local Board may, if they shall think fit, cause to be constructed a sufficient Watercloset or Privy and an Ashpit, or either of them, or do such other Works as the Case may require; and the Expenses incurred by them in so doing shall be recoverable by them from the Owner in a summary Manner, or by Order of the said Local Board shall be declared to be Private Improvement Expenses, and be recoverable as such in manner hereinafter provided: Provided always, that where a Watercloset or Privy has been and is used in common by the Inmates of Two or more Houses, or if, in the Opinion of the said Local Board, a Watercloset or Privy may be so used, they need not require the same to be provided for each House.

Certain
Waterclosets
to be con-
structed in
Factories,
&c.

LII. And be it enacted, That if at any Time it appear to the Local Board of Health, upon the Report of the Surveyor, that any House is used or intended to be used as a Factory or Building in which Persons of both Sexes, and above Twenty in Number, are employed or intended to be employed at One Time, in any Manufacture, Trade, or Business, the said Local Board may, if they shall think fit, by Notice in Writing to the Owner or Occupier of such House, require them or either of them, within a Time to be specified in such Notice, to construct a sufficient Number of Waterclosets or Privies for the separate Use of each Sex; and whosoever neglects or refuses to comply with any such Notice shall be liable for each Default to a Penalty not exceeding Twenty Pounds, and a further Penalty not exceeding Forty Shillings for every Day during which the Default is continued.

Notice of
building and
rebuilding,
with respect
to Levels of
Houses,
Situation of
Privies, &c.

LIII. And be it enacted, That, Fourteen Days at the least before beginning to dig or lay out the Foundations of or for any new House, or to rebuild any House pulled down to the Extent aforesaid, the Person intending so to build or rebuild shall give to the Local Board of Health written Notice thereof, together with the Level or intended Level of the Cellars or lowest Floor, and the Situation and Construction of the Privies and Cesspools to be built, constructed, or used in connexion with such House; and it shall not be lawful to begin to build or rebuild any such House, or to build or construct any such Privy or Cesspool, until the Particulars so required to be stated have been

been approved by the said Local Board ; and in default of such Notice, or if any such House, Privy, or Cesspool be built, rebuilt, or constructed as aforesaid without such Approval, or in any respect contrary to the Provisions of this Act, the Offender shall be liable to a Penalty not exceeding Fifty Pounds ; and the said Local Board may, if they shall think fit, cause such House, Privy, or Cesspool to be altered, pulled down, or otherwise dealt with as the Case may require, and the Expenses incurred by them in so doing shall be repaid by the Offender, and be recoverable from him in the summary Manner herein-after provided : Provided always, that if the said Local Board fail to signify their approval or Disapproval of the said Particulars for the Space of Fourteen Days after receiving such Notice, it shall be lawful to proceed according to such Notice, if the same be otherwise in accordance with the Provisions of this Act.

*Drains,
Privies, &c.*

LIV. And be it enacted, That the Local Board of Health shall see and provide that all Drains whatsoever, and the Waterclosets, Privies, Cesspools, and Ashpits within their District, are constructed and kept so as not to be a Nuisance or injurious to Health ; and the Surveyor may, by written Authority of the said Local Board, (who are hereby empowered to grant such Authority, upon the written Application of any Person showing that the Drain, Watercloset, Privy, Cesspool, or Ashpit in respect of which Application is made is a Nuisance or injurious to Health, but not otherwise,) and after Twenty-four Hours Notice in Writing, or in case of Emergency without Notice to the Occupier of the Premises to which such Drain, Watercloset, Privy, Cesspool, or Ashpit is attached or belongs, enter such Premises, with or without Assistants, and cause the Ground to be opened, and examine and lay open such Drain, Watercloset, Privy, Cesspool, or Ashpit ; and if the Drain, Watercloset, Privy, Cesspool, or Ashpit in respect of which such Examination is made be found to be in proper Order and Condition, he shall cause the Ground to be closed, and any Damage done to be made good as soon as can be, and the Expenses of the Works shall be defrayed by the said Local Board ; but if upon such Examination such Drain, Watercloset, Privy, Cesspool, or Ashpit appear to be in bad Order and Condition, or to require Alteration or Amendment, he shall cause the Ground to be closed, and the said Local Board shall cause Notice in Writing to be given to the Owner or Occupier of the Premises upon or in respect of which the Examination was made, requiring him forthwith, or within such reasonable Time as shall be specified in such Notice, to do the necessary Works ; and if such Notice be not complied with, the Person to whom it is given shall be liable to a Penalty not exceeding Ten Shillings for every Day during which he continues to make default, and the said Local Board may, if they shall think fit, execute such Works, and the Expenses incurred by them in so doing shall be recoverable by them from the Owner in a summary Manner, or by Order of the said Local Board shall be declared to be Private Improvement Expenses, and be recoverable as such in the Manner herein-after provided.

Local Board
to provide
that Drains,
Water-
closets,
&c. do not
become a
Nuisance.

*Surface
Cleansing, &c.*

LV. And be it enacted, That the Local Board of Health shall from Time to Time and at all convenient Times provide that all Streets within

Cleansing
of Streets,
Removal of
Dust, &c.

*Surface
Cleansing, &c.*

within their District, including the Foot Pavements thereof, are properly swept, cleansed, and watered, and that all Dust, Ashes, Rubbish, Filth, Dung, and Soil thereon are collected and removed; and they may make Byelaws with respect to the Removal by the Occupier, or (in case of his Default) by the said Local Board, of Dust, Ashes, Rubbish, Filth, Manure, Dung, and Soil collected, placed, or found in or about any House, Stable, Cowhouse, Street, or Place whatsoever, and for preventing the Deposit thereof in or by the Side of any Street, or so as to be a Nuisance to any Person, and with respect to the Times and Manner of cleansing and emptying Water-closets, Privies, and Cesspools.

Local Board
to cause
Places for
Deposit of
Dust, Soil,
&c. to be
provided.

LVI. And be it enacted, That the Local Board of Health may, in their Discretion, provide, in proper and convenient Situations, Boxes or other Conveniences for the temporary Deposit and Collection of Dust, Ashes, and Rubbish, and also fit Buildings and Places for the Deposit of the Sewage, Soil, Dung, Filth, Ashes, Dust, and Rubbish collected by such Board; and all Sewage, Soil, Dung, Filth, Ashes, Dust, and Rubbish so collected by the said Local Board, or in any Convenience provided as aforesaid, shall be vested in and be sold and disposed of by such Board, and the Proceeds thereof shall be carried to the District Fund Account herein-after mentioned; and whosoever, without the Consent of the said Local Board, collects or removes any Sewage, Soil, Dung, Filth, Ashes, Dust, or Rubbish belonging to them, shall for every such Offence be liable to a Penalty not exceeding Forty Shillings.

Public
Necessaries.

LVII. And be it enacted, That the Local Board of Health may, if they think fit, provide and maintain, in proper and convenient Situations, Waterclosets, Privies, and other similar Conveniences for public Accommodation, and defray the necessary Expenses out of the District Rates to be levied under this Act.

Nuisances.

Offensive
Ditches,
Drains, &c.
to be cleansed
or covered.

LVIII. And be it enacted, That the Local Board of Health shall drain, cleanse, cover, or fill up, or cause to be drained, cleansed, covered, or filled up, all Ponds, Pools, open Ditches, Sewers, Drains, and Places containing or used for the Collection of any Drainage, Filth, Water, Matter, or Thing of an offensive Nature, or likely to be prejudicial to Health; and they shall cause written Notice to be given to the Person causing any such Nuisance, or to the Owner or Occupier of any Premises whereon the same exists, requiring him, within a Time to be specified in such Notice, to drain, cleanse, cover, or fill up any such Pond, Pool, Ditch, Sewer, Drain, or Place, or to construct a proper Sewer or Drain for the Discharge thereof, as the Case may require; and if the Person to whom such Notice is given fail to comply therewith, the said Local Board shall execute the Works mentioned or referred to therein, and the Expenses incurred by them in so doing shall be recoverable by them from him in a summary Manner, or by Order of the said Local Board shall be declared to be Private Improvement Expenses, and be recoverable as such in the Manner herein-after provided: Provided always, that the said Local Board may order that the whole or a Portion of the Expenses incurred in respect of any such last-mentioned Works be defrayed

defrayed out of the Special or General District Rates to be levied under this Act, and in case of any such Order the whole or such Portion of the Expenses as may be mentioned therein shall be defrayed and levied accordingly.

Nuisances.

LIX. And be it enacted, That whosoever keeps any Swine or Pigstye in any Dwelling House, or so as to be a Nuisance to any Person, or suffers any waste or stagnant Water to remain in any Cellar or Place within any Dwelling House for Twenty-four Hours after written Notice to him from the Local Board of Health to remove the same, and whosoever allows the Contents of any Watercloset, Privy, or Cesspool to overflow or soak therefrom, shall for every such Offence be liable to a Penalty not exceeding Forty Shillings, and to a further Penalty of Five Shillings for every Day during which the Offence is continued; and the said Local Board shall abate or cause to be abated every such Nuisance, and the Expenses incurred by them in so doing shall be repaid to them by the Occupier of the Premises upon which the same exists, and be recoverable from him in the summary Manner herein-after provided; and if at any Time it appear to the Inspector of Nuisances that any Accumulation of Manure, Dung, Soil, or Filth, or other offensive or noxious Matter whatsoever, ought to be removed, he shall give Notice to the Person to whom the same belongs, or to the Occupier of the Premises whereon it exists, to remove the same; and if at the Expiration of Twenty-four Hours after such Notice the same be not complied with, the Manure, Dung, Soil, or Filth, or Matter referred to, shall be vested in and be sold or disposed of by the said Local Board, and the Proceeds thereof shall be carried to the District Fund Account herein-after mentioned.

Penalties for keeping Swine, &c. in improper Situations; allowing waste Water to remain in Cellars, &c.

Removal of Filth on Certificate of Inspector of Nuisances.

LX. And be it enacted, That if upon the Certificate of the Officer of Health (if any), or of any Two Medical Practitioners, it appear to the Local Board of Health that any House or Part thereof is in such a filthy or unwholesome Condition that the Health of any Person is affected or endangered thereby, or that the whitewashing, cleansing, or purifying of any House or Part thereof would tend to prevent or check infectious or contagious Disease, the said Local Board shall give Notice in Writing to the Owner or Occupier of such House or Part thereof to whitewash, cleanse, or purify the same, as the Case may require; and if the Person to whom Notice is so given fail to comply therewith within such Time as shall be specified in the said Notice, he shall be liable to a Penalty not exceeding Ten Shillings for every Day during which he continues to make default; and the said Local Board may, if they shall think fit, cause such House, Building, or Part thereof, to be whitewashed, cleansed, or purified, and the Expenses incurred by them in so doing shall be repaid by the Owner or Occupier in default, and be recoverable from either of them in the summary Manner herein-after provided.

Houses to be purified, on Certificate of Officer of Health, or of Two Medical Practitioners.

LXI. And be it enacted, That every Building or Place used as a Slaughter-house shall, within Three Months after this Act is applied to the District in which it is situate, or in the Case of a Building or Place newly used as a Slaughter-house after that Time, within Three

Slaughter-houses, &c.

Slaughter-houses to be registered.

Slaughter-houses, &c.

Months after the Commencement of such User, be registered by the Owner or Occupier thereof at the Office of the said Local Board in a Book which shall be kept by such Board for that Purpose; and whosoever uses or suffers to be used any Building or Place as a Slaughter-house without its being registered as required by this Act, shall be liable for every such Offence to a Penalty not exceeding Five Pounds, and a further Penalty not exceeding Ten Shillings for every Day during the Continuance of the Offence after written Notice thereof from the said Local Board.

Local Board may provide Slaughter-houses, and make Bye-laws with respect to Slaughter-houses in general.

LXII. And be it enacted, That the Local Board of Health may from Time to Time, if they shall think fit, provide Premises for the Purpose of being used as Slaughter-houses; and they shall make Bye-laws for and with respect to the Management and Charges for the Use of the Premises so provided, and with respect to the Inspection of all Slaughter-houses, and for keeping the same in a cleanly and proper State: Provided always, that nothing herein contained shall prejudice or affect the Rights, Privileges, Powers, or Authorities of any Persons incorporated by any Local Act of Parliament passed before the passing of this Act for the Purpose of making and maintaining Slaughter-houses for the Accommodation of any City, Town, Borough, or Place.

Power to Inspector of Nuisances to enter Places used for Sale of Butcher's Meat, &c.

LXIII. And be it enacted, That the Inspector of Nuisances may and he is hereby empowered, at all reasonable Times, with or without Assistants, to enter into and inspect any Shop, Building, Stall, or Place kept or used for the Sale of Butcher's Meat, Poultry, or Fish, or as a Slaughter-house, and to examine any Animal, Carcase, Meat, Poultry, Game, Flesh, or Fish, which may be therein; and in case any Animal, Carcase, Meat, Poultry, Game, Flesh, or Fish appear to him to be intended for the Food of Man, and to be unfit for such Food, the same may be seized; and if it appear to a Justice, upon the Evidence of a competent Person, that any such Animal, Carcase, Meat, Poultry, Game, Flesh, or Fish is unfit for the Food of Man, he shall order the same to be destroyed, or to be so disposed of as to prevent its being exposed for Sale or used for such Food; and the Person to whom such Animal, Carcase, Meat, Poultry, Game, Flesh, or Fish belongs, or in whose Custody the same is found, shall be liable to a Penalty not exceeding Ten Pounds for every Animal or Carcase, Fish, or Piece of Meat, Flesh, or Fish, or any Poultry or Game, so found, which Penalty may be recovered before Two Justices in the Manner herein-after provided with respect to Penalties the Recovery whereof is not expressly provided for.

Offensive Trades newly established to be subject to Regulation of Local Board of Health.

LXIV. And be it enacted, That the Business of a Blood-boiler, Bone-boiler, Fellmonger, Slaughterer of Cattle, Horses, or Animals of any Description, Soap-boiler, Tallow-melter, Tripe-boiler, or other noxious or offensive Business, Trade, or Manufacture, shall not be newly established in any Building or Place, after this Act is applied to the District in which such Building or Place is situate, without the Consent of the Local Board of Health, unless the said General Board shall otherwise direct; and whosoever offends against this Enactment shall be liable for each Offence to a Penalty of Fifty Pounds, and a further Penalty

Penalty of Forty Shillings for each Day during which the Offence is continued; and the said Local Board may from Time to Time make such Byelaws with respect to any such Businesses so newly established as they may think necessary and proper, in order to prevent or diminish the noxious or injurious Effects thereof.

Nuisances.

LXV. And be it declared and enacted, That nothing in this Act shall be construed to render lawful any Act, Matter, or Thing whatsoever which but for this Act would be deemed to be a Nuisance, nor to exempt any Person from any Liability, Prosecution, or Punishment to which he would have been otherwise subject in respect thereof.

Act not to affect present Law as to Nuisances.

LXVI. And be it enacted, That it shall not be lawful to keep any Common Lodging House unless the same be registered as next herein-after mentioned; and the Local Board of Health shall cause a Register to be kept in which shall be entered the Name of every Person applying to register any Common Lodging House kept by him, and the Situation of every such House; and the said Local Board shall from Time to Time make Byelaws for fixing the Number of Lodgers who may be received into each House so registered, for promoting Cleanliness and Ventilation therein, and with respect to the Inspection thereof, and the Conditions and Restrictions under which such Inspection may be made; and the Person keeping any such Lodging House shall give Access to the same when required by any Persons who shall produce the written Authority of the said Local Board in this Behalf, for the Purpose of inspecting the same, or for introducing or using therein any disinfecting Process, and the Expenses incurred by the said Local Board in so introducing or using any disinfecting Process shall be recoverable by them in a summary Manner from the Person keeping the Lodging House in which the same shall have been used or introduced; and whosoever shall receive Lodgers in any Common Lodging House without having registered the same as required by this Act, or shall refuse to admit therein, at any Time between the Hour of Eleven in the Forenoon and the Hour of Four in the Afternoon, any Person authorized by the said Local Board as last aforesaid, shall for every such Offence be liable to a Penalty not exceeding Forty Shillings.

LodgingHouses.

Common Lodging Houses to be registered.

Penalty on Neglect.

LXVII. And be it enacted, That it shall not be lawful to let or occupy or suffer to be occupied separately as a Dwelling any Vault, Cellar, or underground Room built or rebuilt after the passing of this Act, or which shall not have been so let or occupied before the passing of this Act; and it shall not be lawful to let or continue to let, or to occupy or suffer to be occupied, separately as a Dwelling, any Vault, Cellar, or underground Room whatsoever, unless the same be in every Part thereof at least Seven Feet in Height, measured from the Floor to the Ceiling thereof, nor unless the same be at least Three Feet of its Height above the Surface of the Street or Ground adjoining or nearest to the same, nor unless there be outside of and adjoining the same Vault, Cellar, or Room, and extending along the entire Frontage thereof, and upwards from Six Inches below the Level of the Floor thereof up to the Surface of the said Street or Ground, an open Area of at least Two Feet and Six Inches wide in every Part, nor

Occupation of Cellars, &c.

Cellars, &c. newly built not to be let as Dwelling Rooms, No Cellars, &c. to be let except under certain Conditions.

*Occupation of
Cellars, &c.*

unless the same be well and effectually drained by means of a Drain the uppermost Part of which is One Foot at least below the Level of the Floor of such Vault, Cellar, or Room, nor unless there be appurtenant to such Vault, Cellar, or Room the Use of a Watercloset or Privy and an Ashpit, furnished with proper Doors and Coverings, kept and provided according to the Provisions of this Act, nor unless the same have a Fireplace with a proper Chimney or Flue, nor unless the same have an external Window of at least Nine Superficial Feet in Area clear of the Sash Frame, and made to open in such Manner as shall be approved by the Surveyor, except in the Case of an inner or back Vault, Cellar, or Room let or occupied along with a front Vault, Cellar, or Room as Part of the same Letting or Occupation, in which Case the external Window may be of any Dimensions not being less than Four Superficial Feet in Area clear of the Sash Frame; and whosoever lets, occupies, or continues to let, or knowingly suffers to be occupied for Hire or Rent, any Vault, Cellar, or underground Room, contrary to this Act, shall be liable for every such Offence to a Penalty not exceeding Twenty Shillings for every Day during which the same continues to be so let or occupied after Notice in Writing from the Local Board of Health in this Behalf: Provided always, that in any Area adjoining a Vault, Cellar, or underground Room there may be Steps necessary for Access to such Vault, Cellar, or Room, if the same be so placed as not to be over, across, or opposite to the said external Window, and so as to allow between every Part of such Steps and the external Wall of such Vault, Cellar, or Room, a clear Space of Six Inches at the least, and that over or across any such Area there may be Steps necessary for Access to any Building above the Vault, Cellar, or Room to which such Area adjoins, if the same be so placed as not to be over, across, or opposite to any such external Window: Provided also, that every Vault, Cellar, or underground Room in which any Person passes the Night shall be deemed to be occupied as a Dwelling within the Meaning of this Act: Provided also, that the Provisions of this Act with respect to the Letting and Occupation of Vaults, Cellars, and underground Rooms shall not, so far as the same relate to Vaults, Cellars, and underground Rooms which shall have been let or occupied as Dwellings before the passing of this Act, come into force or operation until the Expiration of One Year from the passing of this Act, nor within any District until the Expiration of Six Months from the Time when this Act shall have been applied thereto; and all Churchwardens and Overseers of the Poor shall from Time to Time after the passing of this Act cause public Notice of the Provisions of this Act with respect to the Letting and Occupation of Vaults, Cellars, and underground Rooms to be given in such Manner as may appear to them to be best calculated to make the same generally known.

Act not to
come into
operation
until the
Expiration
of a certain
Time, in case
of Cellars,
&c. already
occupied as
Dwellings.
Church-
wardens, &c.
to give
Notice of
Enactment.

*Management of
Streets.*

Management
of Streets
vested in
Local Board.

LXVIII. And be it enacted, That all present and future Streets, being or which at any Time become Highways within any District, and the Pavements, Stones, and other Materials thereof, and all Buildings, Implements, and other Things provided for the Purposes thereof by any Surveyor of Highways or by any Person serving the Office of Surveyor of Highways, shall vest in and be under the Management and Control of the said Local Board of Health; and the said Local Board

Board shall from Time to Time cause all such Streets to be levelled, paved, flagged, channelled, altered, and repaired, as and when Occasion may require, and they may from Time to Time cause the Soil of any such Street to be raised, lowered, or altered as they may think fit, and place and keep in repair Fences and Posts for the Safety of Foot Passengers; and whosoever wilfully displaces, takes up, or injures the Pavement, Stones, Materials, Fences, or Posts of any such Street, without the Consent of the said Local Board, shall be liable for every such Offence to a Penalty not exceeding Five Pounds, and a further Sum not exceeding Five Shillings for every Square Foot of the Pavement, Stones, or other Materials so displaced, taken up, or injured.

Management of Streets.

LXIX. And be it enacted, That in case any present or future Street, or any Part thereof, (not being a Highway,) be not sewered, levelled, paved, flagged, and channelled to the Satisfaction of the Local Board of Health, such Board may, by Notice in Writing to the respective Owners or Occupiers of the Premises fronting, adjoining, or abutting upon such Parts thereof as may require to be sewered, levelled, paved, flagged, or channelled, require them to sewer, level, pave, flag, or channel the same within a Time to be specified in such Notice; and if such Notice be not complied with, the said Local Board may, if they shall think fit, execute the Works mentioned or referred to therein; and the Expenses incurred by them in so doing shall be paid by the Owners in default, according to the Frontage of their respective Premises, and in such Proportion as shall be settled by the Surveyor, or in case of Dispute as shall be settled by Arbitration (having regard to all the Circumstances of the Case) in the Manner provided by this Act; and such Expenses may be recovered from the last-mentioned Owners in a summary Manner, or the same may be declared by Order of the said Local Board to be Private Improvement Expenses, and be recoverable as such in the Manner herein-after provided.

Power to compel paving, &c. of private Streets.

LXX. And be it enacted, That if any present or future Street, not being a Highway at the Time when this Act is applied to the District in which it is situate, be sewered, levelled, paved, flagged, and channelled to the Satisfaction of the Local Board of Health, the said Local Board may, if they shall think fit, by Notice in Writing put up in any Part of the Street, declare the same to be a Highway, and thereupon the same shall become a Highway, and be from Time to Time repaired by them out of the Rates levied in that Behalf under the Authority of this Act; and every such Notice shall be entered amongst the Proceedings of the said Local Board: Provided always, that no Street shall become a Highway as last aforesaid if within One Month after Notice in Writing shall have been put up as last aforesaid the Proprietor of such Street, or the Person representing or entitled to represent such Proprietor, shall by Notice in Writing to the said Local Board object thereto.

Certain Streets not Highways to be deemed such, and repaired by Local Board.

LXXI. And be it enacted, That if and when for the Purposes of this Act the Local Board of Health deem it necessary to raise, sink,

Power to require Gas and Water Pipes to be moved.

*Management of
Streets.*

or otherwise alter the Situation of any Water or Gas Pipes, Mains, Plugs, or other Waterworks or Gasworks laid in or under any Street, they may by Notice in Writing require the Person to whom the Pipes, Mains, Plugs, or Works belong to raise, sink, or otherwise alter the Situation of the same in such Manner and within such reasonable Time as shall be specified in such Notice, and the Expenses attendant upon or connected with any such Alteration shall be paid by the said Local Board out of the General District Rates levied under this Act; and if such Notice be not complied with, the said Local Board may make the Alteration required: Provided always, that no such Alteration shall be required or made which will permanently injure any such Pipes, Mains, Plugs, or Works, or prevent the Water or Gas from flowing as freely and conveniently as usual; provided also, that where under any Local Act of Parliament the Expenses attendant upon or connected with the raising, sinking, or otherwise altering the Situation of any Water or Gas Pipes, Mains, Plugs, or other Waterworks or Gasworks, are or shall be directed to be borne by the Person to whom such Pipes or Works belong, his Liability in that respect shall continue, in the same Manner and under the same Conditions in all respects as if this Act had not been passed.

Notice to be
given to
Local Board
before laying
out new
Streets, who
shall fix the
Levels and
Widths
thereof.

LXXII. And be it enacted, That One Month at the least before any Street is newly laid out as aforesaid written Notice shall be given to the Local Board of Health, showing the intended Level and Width thereof; and the Level and Width of every such Street shall be fixed by the said Local Board, and it shall not be lawful to lay out, make, or build upon any such Street, otherwise than in accordance with the Level and Width so fixed, unless upon Disapproval by the said Local Board of the Level or Width specified in such Notice the General Board of Health shall otherwise direct; and whosoever shall lay out, make, or build upon any such Street, otherwise than in accordance with the Level and Width fixed by the said Local Board, or approved by the said General Board, shall be liable for every such Offence to a Penalty not exceeding Twenty Pounds for every Day during which he shall permit or suffer such Street to continue to be so improperly laid out, made, or built upon; and the said Local Board may, if they shall think fit, cause any such Street laid out or made at a Level or Width otherwise than in accordance with the Level and Width so fixed or approved as aforesaid, or any Building built in any such Street otherwise than in accordance with such Level and Width, to be altered in such Manner as the Case may require, and the Expenses incurred by them in so doing shall be repaid to them by the Offender, and be recoverable from him in a summary Manner: Provided always, that if no such Level or Width be fixed, and no Approval or Disapproval of the Level or Width proposed be signified by the said Local Board within One Month from the last-mentioned Notice, the intended Street may be laid out and made upon the Level and of the Width specified in such Notice, if the same be otherwise in accordance with the other Provisions of this Act.

Local Board
may purchase
Premises in

LXXIII. And be it enacted, That the said Local Board may, by Agreement, purchase any Premises for the Purpose of widening, opening, enlarging, or otherwise improving any Street, and any Part
of

of the Premises so purchased which shall not be wanted for that Purpose shall be resold at the best Price that can be gotten for the same, and the Proceeds of such Resale shall be carried to the District Fund Account herein-after mentioned.

order to
improve
Streets.

LXXIV. And be it enacted, That the Local Board of Health, with the Approval of the said General Board, may provide, maintain, lay out, plant, and improve Premises for the Purpose of being used as public Walks or Pleasure Grounds, and support or contribute towards any Premises provided for such Purposes by any Person whomsoever.

*Public Pleasure
Grounds.*

Local Board
may provide
Places of
public Re-
creation, &c.

LXXV. And be it enacted, That the Local Board of Health may provide their District with such a Supply of Water as may be proper and sufficient for the Purposes of this Act, and for private Use to the Extent required by this Act; and for those Purposes or any of them the said Local Board may from Time to Time, with the Approval of the General Board of Health, contract with any Person whomsoever, or purchase, take upon Lease, hire, construct, lay down, maintain such Waterworks, and do and execute all such Works, Matters, and Things as shall be necessary and proper; and any Waterworks Company may contract with the Local Board of Health to supply Water for the Purposes of this Act in any Manner whatsoever, or may sell and dispose of or lease their Waterworks to any Local Board of Health willing to take the same; and the said Local Board may provide and keep in any Waterworks constructed or laid down by them under the Powers of this Act a Supply of pure and wholesome Water, and the Water so supplied may be constantly laid on at such Pressure as will carry the same to the top Story of the highest Dwelling House within the District supplied: Provided always, that before constructing or laying down any Waterworks under the Powers of this Act within any Limits within, for, or in respect of which any Waterworks Company shall have been established for supplying Water, the said Local Board shall give Notice in Writing to every Waterworks Company within whose Limits the said Local Board may be desirous of laying on or supplying Water, stating the Purposes for and (as far as may be practicable) the Extent to which Water is required by the said Local Board; and it shall not be lawful for the said Local Board to construct or lay down any Waterworks within such Limits, if and so long as any such Company shall be able and willing to lay on Water proper and sufficient for all reasonable Purposes for which it is required by the said Local Board, and upon such Terms as shall be certified to be reasonable by the General Board of Health, after Inquiry and Report by a Superintending Inspector in this Behalf, or (in case such Company shall be dissatisfied with such Certificate) upon such Terms as shall be settled by Arbitration in the Manner provided by this Act; and in case any Difference shall arise as to whether the Water which any such Company is able and willing to supply or lay on is proper and sufficient for the Purposes for which it is required by the said Local Board, or whether the Purposes for which it is required are reasonable, the same shall be settled by Arbitration in the Manner provided by this Act.

*Supply of
Water.*

Local Board
to provide
sufficient
Supplies of
Water, and
may erect
Waterworks,
&c.

In case of
Waterworks
constructed
by Local
Board, the
Water may
be kept con-
stantly under
Pressure.

Local Board
not to con-
struct Water-
works, &c. if
any Water-
works Com-
pany within
their District
be able and
willing to
supply Water
upon Terms.

LXXVI. And

*Supply of
Water.*

Local Board
may require
that Houses
be supplied
with Water,
&c. in certain
Cases.

LXXVI. And be it enacted, That if upon the Report of the Surveyor it appear to the Local Board of Health that any House is without a proper Supply of Water, and that such a Supply of Water can be furnished thereto at a Rate not exceeding Twopence *per* Week, the said Local Board shall give Notice in Writing to the Occupier, requiring him, within a Time to be specified therein, to obtain such Supply, and to do all such Works as may be necessary for that Purpose; and if such Notice be not complied with the said Local Board may, if they shall think fit, do such Works and obtain such Supply accordingly, and make and levy Water Rates upon the Premises, not exceeding in the whole the Rate of Twopence *per* Week, in manner herein-after provided, as if the Owner or Occupier of the Premises had demanded a Supply of Water, and were willing to pay Water Rates for the same; and the Expenses incurred by them in doing such Works as last aforesaid shall be Private Improvement Expenses, and be recoverable as such in the Manner herein-after provided.

Water for
public Baths,
or trading or
manufac-
turing Pur-
poses.

LXXVII. And be it enacted, That the Local Board of Health may, if they shall think fit, supply Water from any Waterworks purchased or constructed by them under this Act to any public Baths or Wash-houses, or for trading or manufacturing Purposes, upon such Terms and Conditions as may be agreed upon between the said Local Board and the Persons desirous of being so supplied.

Maintenance
and Con-
struction of
public Cis-
terns for
gratuitous
Use.

LXXVIII. And be it enacted, That the Local Board of Health may cause all existing public Cisterns, Pumps, Wells, Reservoirs, Conduits, Aqueducts, and Works used for the gratuitous Supply of Water to the Inhabitants to be continued, maintained, and plentifully supplied with Water, or they may substitute, continue, maintain, and plentifully supply with Water other such Works equally convenient; and the said Local Board may, if they shall think fit, construct any Number of new Cisterns, Pumps, Wells, Conduits, and Works for the gratuitous Supply of any public Baths or Wash-houses established otherwise than for private Profit or supported out of any Poor or Borough Rates.

Penalty for
injuring
Waterworks,
diverting
Streams, or
wasting
Water.

LXXIX. And be it enacted, That whosoever shall wilfully or carelessly break, injure, or open any Lock, Cock, Waste Pipe, or Waterworks belonging to or under the Management or Control of the Local Board of Health, or constructed, continued, or maintained under this Act, in any Parish or Place in which there shall be no Local Board of Health, or shall unlawfully flush, draw off, divert, or take Water from any Waterworks belonging to or under the Management or Control of the said Local Board, or so constructed, continued, or maintained in any such Parish or Place, or from any Waters or Streams by which such Waterworks are supplied, or shall wilfully or negligently waste or cause to be wasted any Water with which he is supplied by the said Local Board, shall for every such Offence forfeit a Sum not exceeding Five Pounds, and a further Penalty of Twenty Shillings for each Day whilst the Offence is continued after written Notice in that Behalf, which Penalties shall be paid to the said Local Board, or, in the Case of a Parish or Place in which there shall

shall be no Local Board of Health, to the Churchwardens and Overseers of the Poor, to be by them applied in aid of the Rate for the Relief of the Poor of such Parish or Place: Provided always, that nothing herein contained shall prevent the Owner or Occupier of any Premises through or by which any Streams may flow from using the same as they would have been entitled to do if this Act had not been passed.

*Supply of
Water.*

LXXX. And be it enacted, That whosoever shall bathe in any Stream, Reservoir, Conduit, Aqueduct, or other Waterworks belonging to or under the Management or Control of the Local Board of Health, or in any Reservoir, Conduit, Aqueduct, or other Waterworks constructed, continued, or maintained under this Act in any Parish or Place in which there shall be no Local Board of Health, or shall wash, cleanse, throw, or cause to enter therein any Animal, Rubbish, Filth, Stuff, or Thing, of any kind whatsoever, or shall cause or permit or suffer to run or be brought therein the Water of any Sink, Sewer, Drain, Engine, or Boiler, or other filthy, unwholesome, or improper Water, or shall do anything whatsoever whereby any Water belonging to the said Local Board or under their Management or Control, or whereby any Water of or contained in any such Reservoir, Conduit, Aqueduct, or other Waterworks so constructed, continued, or maintained in any such Parish or Place as aforesaid shall be fouled, shall for every such Offence forfeit a Sum not exceeding Five Pounds, and a further Sum of Twenty Shillings for each Day whilst the Offence is continued after written Notice in that Behalf; which Penalties shall be paid to the said Local Board, or, in the Case of a Parish or Place in which there shall be no Local Board of Health, to the Churchwardens and Overseers of the Poor, to be by them applied in aid of the Rate for the Relief of the Poor of such Parish or Place; and whosoever, being Proprietor of any Gasworks, or being engaged or employed in the Manufacture or Supply of Gas, causes or suffers to be brought or to flow into any Stream, Reservoir, Conduit, Aqueduct, or Waterworks belonging to or under the Management or Control of the said Local Board, or into any Drain or Pipe communicating therewith, any Washing or other Substance produced in the Manufacture or Supply of Gas, or shall wilfully do any Act connected with the Manufacture or Supply of Gas whereby the Water in any such Stream, Reservoir, Aqueduct, or Waterworks is fouled, shall forfeit to the said Local Board for every such Offence the Sum of Two hundred Pounds, and, after the Expiration of Twenty-four Hours Notice in Writing from them in this Behalf, a further Sum of Twenty Pounds for every Day during which the Offence is continued, or during the Continuance of the Act whereby the Water is fouled; and every such Penalty shall be recoverable, with full Costs of Suit, by Action of Debt; and if any Water supplied by, belonging to, or under the Management or Control of the said Local Board, be fouled in any Manner by the Gas of any such Proprietor or Person as last aforesaid, he shall forfeit to the Local Board for every such Offence a Sum not exceeding Twenty Pounds, and a further Sum not exceeding Ten Pounds for every Day whilst the Offence is continued after the Expiration of Twenty-four Hours Notice in Writing from the said Local Board in

Penalties on
Persons for
causing
Water in
Reservoirs
to be fouled;

and on Pro-
prietors of
Gasworks,
&c.

Supply of
Water.

this Behalf; and for the Purpose of ascertaining whether such Water is fouled by the Gas of any such Proprietor or Person the said Local Board may lay open and examine any Pipes, Conduits, and Works from which the Gas is supposed to escape; provided that before beginning so to do Twenty-four Hours Notice in Writing be given to the Person to whom such Pipes, Conduits, or Works belong; or under whose Management or Control they may be, of the Time at which the Examination is intended to be made; and if upon such Examination it appear that the Water has been fouled by the Gas proceeding from or contained in the Pipes, Conduits, or Works examined, the Expenses of the Examination shall be paid and borne by the Person to whom such Pipes, Conduits, or Works belong, or under whose Management or Control they may be, and be recoverable from him in the summary Manner herein-after provided; but if it appear that the Water has not been so fouled, then such Expenses, and all Damages occasioned by the Examination, shall be paid by the said Local Board out of the General District Rates levied under this Act, and be recoverable from them in the summary Manner herein-after provided.

Reception
Houses for the
Dead.

Power to
provide Pre-
mises for the
Reception of
the Dead
previously to
Interment.

LXXXI. And for the Purpose of preventing the manifold Evils occasioned by the Retention of the Dead in the Dwellings of the Poor, be it enacted, That the Local Board of Health may, if they shall think fit, provide, fit up, and make Byelaws with respect to the Management and Charges for the Use of Rooms or Premises in which Corpses may be received, and decently and carefully kept previously to Interment; and the said Local Board may, upon proper Application, and subject to such Regulations and at such Rates and Charges as shall be prescribed by any such Byelaws, make all necessary Arrangements for the decent and economical Interment of any Corpse which may have been received into any Rooms or Premises so provided in pursuance of this Enactment.

Burial
Grounds.

Burial
Grounds, &c.
dangerous to
Health may
be pro-
hibited.

LXXXII. And be it enacted, That if upon the Representation of the Local Board of Health, and after Inquiry and Report by a Superintending Inspector, notified to the Lord Bishop of the Diocese, and made, notified, and published in manner herein-before directed with respect to the Inquiry and Report of Superintending Inspectors previously to the Constitution of a District under this Act, and after Inquiry by such other Ways and Means as the General Board of Health may think fit to direct, the said General Board shall certify (such Certificate to be published in the *London Gazette*, and in some One or more of the public Newspapers usually circulated within the District,) that any Burial Ground situate within any District to which this Act is applied is in such a State as to be dangerous to the Health of Persons living in the Neighbourhood thereof, or that any Church or other Place of Public Worship within any such District is dangerous to the Health of Persons frequenting the same, by reason of the surcharged State of the Vaults or Graves within the Walls of or underneath the same, and that sufficient Means of Interment exist within a convenient Distance from such Burial Ground, Church, or Place of Public Worship, it shall not be lawful, after a Time to be named in such Certificate, to bury or permit or suffer to

to be buried any further Corpses or Coffins in, within, or under the Ground, Church, or Place of Worship to which the Certificate relates, except in so far as may be allowed by such Certificate; and whosoever, after Notice of such Certificate, buries, or causes, permits, or suffers to be buried, any Corpse or Coffin contrary to this Enactment, shall for every such Offence be liable to a Penalty of Twenty Pounds.

*Burial
Grounds.*

LXXXIII. And be it enacted, That no Vault or Grave shall be constructed or made within the Walls of or underneath any Church or other Place of Public Worship built in any District after the passing of this Act, and no Burial Ground shall be made or formed within any District after the passing of this Act, without the Consent of the General Board of Health first had and obtained, unless the same be made or formed upon Land purchased or authorized by Parliament to be appropriated for the Purpose of being used as a Burial Ground before the passing of this Act; and whosoever shall bury, or cause, permit, or suffer to be buried, any Corpse or Coffin in any Vault, Grave, or Burial Ground constructed, made, or formed contrary to this Enactment, shall for every such Offence be liable to a Penalty not exceeding Fifty Pounds, which may be recovered by any Person, with full Costs of Suit, in an Action of Debt.

As to Inter-
ments within
Churches
or Burial
Grounds
newly
erected or
formed.

LXXXIV. And be it enacted, That the Local Board of Health, by Agreement, may purchase, or take upon Lease, sell, or exchange, any Lands or Premises for the Purposes of this Act; and the Lands Clauses Consolidation Act, 1845, except the Parts and Enactments of that Act with respect to the Purchase and taking of Lands otherwise than by Agreement, and with respect to the Recovery of Forfeitures, Penalties, and Costs, and with respect to Lands acquired by the Promoters of the Undertaking, but which shall not be wanted for the Purposes thereof, shall, in so far as the same is consistent with this Act, be incorporated with this Act; and for the Purposes of this Act the Expression "the Promoters of the Undertaking," wherever used in the said Lands Clauses Consolidation Act, shall mean the Local Board of Health mentioned in this Act, and all Lands and Premises which shall be purchased, hired, or taken on Lease by the Local Board of Health of any Noncorporate District shall be conveyed, demised, and assured to such Local Board and their Successors, in trust for the Purposes of this Act, and shall be accepted, taken, and held by them as a Body Corporate.

*Purchase, &c.
of Lands.*

Power to
Local Boards
to purchase
Lands, &c.
under
8 & 9 Vict.
c. 18.

LXXXV. And be it enacted, That the Local Board of Health may enter into all such Contracts as may be necessary for carrying this Act into execution; and every such Contract whereof the Value or Amount shall exceed Ten Pounds shall be in Writing, and (in the Case of a Noncorporate District) sealed with the Seal of the Local Board by whom the same is entered into, and signed by Five or more Members thereof, and (in the Case of a Corporate District) sealed with the Common Seal, and shall specify the Work, Materials, Matters, or Things to be furnished, had, or done, the Price to be paid, and the Time or Times within which the Contract is to be performed, and shall fix and specify some pecuniary Penalty to be paid in case the

Contracts.

Contracts by
Local Board.

Terms

Contracts.

Composition
for Penalties
in respect of
Breach of
Contracts.

Estimates
to be made
before com-
mencing
Works.

As to Con-
tracts above
the Value of
100*l*.

Terms of the Contract are not duly performed ; and every Contract so entered into, and duly executed by the other Parties thereto, shall be binding on the Local Board by whom the same is executed, and their Successors, and upon all other Parties thereto, and their Executors, Administrators, Successors, or Assigns, to all Intents and Purposes: Provided always, that the said Local Board may compound with any Contractor or other Person in respect of any Penalty incurred by reason of the Nonperformance of any Contract entered into as aforesaid, whether such Penalty be mentioned in any such Contract, or in any Bond or otherwise, for such Sums of Money or other Recompence as to such Local Board may seem proper: Provided also, that before contracting for the Execution of any Works under the Provisions of this Act the said Local Board shall obtain from the Surveyor an Estimate in Writing, as well of the probable Expense of executing the Work in a substantial Manner as of the annual Expense of repairing the same ; also a Report as to the most advantageous Mode of contracting, that is to say, whether by contracting only for the Execution of the Work, or for executing and also maintaining the same in repair during a Term of Years or otherwise: Provided also, that before any Contract of the Value or Amount of One hundred Pounds or upwards is entered into by the said Local Board Ten Days public Notice at the least shall be given expressing the Nature and Purpose thereof, and inviting Tenders for the Execution of the same ; and the said Local Board shall require and take sufficient Security for the due Performance of the same.

Rates.

Special Dis-
trict Rate.

LXXXVI. And be it enacted, That whenever any Expenses are incurred or to be incurred by the Local Board of Health, in making, enlarging, altering, arching over, covering, or enclosing any Sewer vested or to be vested in them by this Act, or purchased or acquired by them by virtue thereof, or in or about any other Works, Matters, and Things of a permanent Nature, and executed or done for the Benefit of any District or Part of a District, the said Local Board shall make and levy, in respect of the Premises situate in the District or Part of a District for the Benefit of which the Expenses are incurred or to be incurred, a Rate or Rates, to be called Special District Rates, of such Amount as will be sufficient to discharge the Amount of such Expenses, and Interest thereon, within such Period, not exceeding Thirty Years, as the said Local Board shall in each Case determine: Provided always, with respect to the Cost of making any such new Sewer, that if it appear to the said Local Board that any Premises were sufficiently drained before the new Sewer was made, they shall deduct from the Amount of Rates otherwise chargeable in respect of such Premises such a Sum and for such Time as the said Local Board may, under all the Circumstances of the Case, deem to be just.

District
Fund Ac-
count to be
kept.

LXXXVII. And be it enacted, That the Treasurer shall keep a separate Account, to be called "The District Fund Account," and the Monies carried to such Account under the Directions of this Act shall be applied by the Local Board of Health in defraying such of the Expenses incurred or to be incurred by the said Local Board in carrying

carrying this Act into execution, and not otherwise expressly provided for, as they may think proper; and the said Local Board shall from Time to Time, when and as often as Occasion may require, make and levy, in addition to any other Rate, a Rate or Rates to be called "General District Rates," for defraying such Expenses as are charged upon that Rate by this Act, and such other Expenses of executing this Act in any District as are not provided for by any other Rate, or defrayed out of the said District Fund Account.

General Dis-
trict Rate.

LXXXVIII. And be it enacted, That the said Special and General District Rates shall be made and levied upon the Occupier (except in the Cases herein-after provided) of all such Kinds of Property as by the Laws in force for the Time being are or may be assessable to any Rate for the Relief of the Poor, and shall be assessed upon the full net annual Value of such Property ascertained by the Rate (if any) for the Relief of the Poor made next before the making of the respective Assessments under this Act; and for the Purpose of making any such Assessment the Local Board of Health, or any Person appointed by them so to do, may from Time to Time, at all reasonable Times, inspect, take Copies of or make Extracts from, any Rate for the Relief of the Poor within their District, or any Assessments by which the same are made; and whosoever, having the Custody of such last-mentioned Rate or Assessment, refuses to permit such Inspection, or the taking of any such Copy or Extract, shall for every such Offence be liable to a Penalty not exceeding Five Pounds: Provided always, that if in any District or Part of a District there be no Rate for the Relief of the Poor, the said Special and General District Rates shall be made upon an Estimate of the net annual Value of the several Premises liable thereto in such District or Part of a District, by a fit Person appointed by the Local Board of Health in that Behalf, and such Estimate shall be made, as near as Circumstances will permit, in the Manner prescribed by an Act passed in the Seventh Year of the Reign of King *William* the Fourth, intituled *An Act to regulate Parochial Assessments*, or any other Act for the Time being in force for regulating Parochial Assessments: Provided also, that the Occupier of any Land used as Arable, Meadow, or Pasture Ground only, or as Woodlands, Market Gardens, or Nursery Grounds, and the Occupier of any Land covered with Water, or used only as a Canal, or Towing Path for the same, or as a Railway, constructed under the Powers of any Act of Parliament, for public Conveyance, shall be assessed in respect of the same in the Proportion of One Fourth Part only of such net annual Value thereof: Provided also, that if within any District or Part of a District any Kind of Property shall before the passing of this Act have been exempted from rating by any Local Act, in respect of all or any of the Purposes for which General or Special District Rates may be made under this Act, the same Kind of Property shall, in respect of the same Purposes, and to the same Extent within the Parts to which the Exemption applies, but not further or otherwise, be exempt from Assessment to any General or Special District Rates under this Act.

Property as-
sessable to
Special and
General Dis-
trict Rates.

If in any
District
there be no
Rate for Re-
lief of the
Poor, Rates
shall be made
in manner
prescribed by
6 & 7 W. 4.
c. 66.

Exemptions
under Local
Acts.

LXXXIX. And be it enacted, That the Local Board of Health may make and levy the said Special and General District Rates, or

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any
Rates may
be prospec-
tive or re-
trospective.

Rates.

Assessment
to District
Rates in case
of unoccu-
pied Pre-
mises.

Apportion-
ment of
Rates be-
tween out-
going and
incoming
Tenants, &c.

Parts of Dis-
trict may be
separately
assessed.

Private Im-
provement
Rates.

any or either of them, prospectively in order to raise Money for the Payment of future Charges and Expenses, or retrospectively in order to raise Money for the Payment of Charges and Expenses which may have been incurred at any Time within Six Months before the making of the Rate; and if at the Time of making any General or Special District Rate any Premises in respect of which the Rate may be made are unoccupied, such Premises shall be included in the Rate, but the Rate shall not be charged upon any Person in respect of the same whilst they continue to be unoccupied; and if any such Premises are afterwards occupied during any Part of the Period for which the Rate was made, and before the same shall have been fully paid, the Name of the incoming Tenant shall be inserted in the Rate, and thereupon so much of the Rate as at the Commencement of his Tenancy may be in proportion to the Remainder of the said Period shall be collected, recovered, and paid in the same Manner in all respects as if the Premises had been occupied at the Time when the Rate was made; and if any Owner or Occupier assessed or liable to any such Rate cease to be Owner or Occupier of the Premises in respect whereof he is so assessed or liable before the End of the Period for which the Rate was made, and before the same is fully paid off, he shall be liable to pay only such Part of the Rate as shall be in proportion to the Time during which he continues to be such Owner or Occupier; and in every such Case, if any Person afterwards become Owner or Occupier of the Premises during Part of the said Period, he shall pay such Part of the Rate as shall be in proportion to the Time during which he continues to be such Owner or Occupier, and the same shall be recovered from him in the same Manner as if he had been originally assessed or liable; and the said Local Board may from Time to Time divide their District, or any Street therein, into One or more Parts, for all or any or either of the Purposes of this Act, and make a separate Assessment upon any such Part for and in respect of all or any of the Purposes for which the same is formed; and every such Part, so far as relates to the Purposes in respect of which such separate Assessment is made, shall be exempt from any other Assessment under this Act: Provided always, that if any Expenses are incurred or to be incurred in respect of Two or more Parts of a District in common the same shall be apportioned between them in a fair and equitable Manner.

XC. And be it enacted, That whenever the Local Board of Health have incurred or become liable to any Expenses which by this Act are or by the said Local Board shall be declared to be Private Improvement Expenses, the said Local Board may, if they shall think fit, make and levy upon the Occupier of the Premises in respect of which the Expenses shall have been incurred, except in the Cases herein-after provided, in addition to all other Rates, a Rate or Rates to be called Private Improvement Rates, of such Amount as will be sufficient to discharge such Expenses, together with Interest thereon at a Rate not exceeding Five Pounds in the Hundred, in such Period not exceeding Thirty Years as the said Local Board shall in each Case determine: Provided always, that whenever any Premises in respect of which any Private Improvement Rate

Rate is made become unoccupied before the Expiration of the Period for which the Rate was made, or before the same is fully paid off, such Rate shall become a Charge upon and be paid by the Owner of the Premises so long as the same continue to be unoccupied.

Rates.
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XCI. And be it enacted, That if the Occupier by whom any Private Improvement Rate is paid holds the Premises in respect of which the Rate is made at a Rent not less than the Rackrent, he shall be entitled to deduct Three Fourths of the Amount paid by him on account of such Rate from the Rent payable by him to his Landlord, and if he hold at a Rent less than the Rackrent he shall be entitled to deduct from the Rent so payable by him such Proportion of Three Fourths of the Rate as his Rent bears to the Rackrent; and if the Landlord from whose Rent any Deduction is made under the Provision last aforesaid is himself liable to the Payment of Rent for the Premises in respect of which the Deduction is made, and holds the same for a Term of which less than Twenty Years is unexpired, but not otherwise, he may deduct from the Rent so payable by him such Proportion of the Sum deducted from the Rent payable to him as the Rent payable by him bears to the Rent payable to him, and so in succession with respect to every Landlord (holding for a Term of which less than Twenty Years is unexpired) of the same Premises both receiving and liable to pay Rent in respect thereof: Provided always, that nothing herein contained shall be construed to entitle any Person to deduct from the Rent payable by him more than the whole Sum deducted from the Rent payable to him.

Proportion
of Private
Improve-
ment Rate
may be de-
ducted from
Rent.

XCII. Provided always, and be it enacted, That at any Time before the Expiration of the Period for which any Special District Rate or Private Improvement Rate is made, the Owner or Occupier of the Premises assessed thereto may redeem the same, by paying to the Local Board of Health the Expenses in respect of which the Rate was made, or such Part thereof as may not have been defrayed by Sums already levied in respect of the same.

Redemption
of Special
District and
Private Im-
provement
Rates.

XCIII. And be it enacted, That whenever and so long as any Premises are supplied with Water by the Local Board of Health, for the Purposes of domestic Use, Cleanliness, or Drainage, they shall make and levy, in addition to any other Rate, a Water Rate upon the Occupier, except as herein-after provided; and the Rate so made shall be assessed upon the net annual Value of the Premises, ascertained in the Manner herein-before prescribed with respect to the said Special and General District Rates; and when several Houses in the separate Occupation of several Persons are supplied by One common Pipe, the respective Houses shall be charged with the Payment of Water Rates, in the same Manner as if each House had been supplied with Water by a separate Pipe: Provided always, that in any District to be called the *Oxford* or *Cambridge* District the Local Board of Health, with the Consent of the said General Board, may supply Water to any Hall, College, or Premises of the University within such District, upon such Terms with respect to the Mode of paying for such Supply as

Water Rate.

Agreements
with Univer-
sities.

Rates.

as shall from Time to Time be agreed upon between such University, or any Hall or College thereof, and the said Local Board.

Water Rate
payable in
advance.

Power to
stop Water
in case of
Nonpayment
of Rates.

XCIV. And be it enacted, That the said Water Rates shall be payable in advance; and whenever any Person supplied with Water under the Provisions of this Act neglects to pay the Water Rate due from him, upon Demand, the Local Board of Health may prevent the Water from flowing into the Premises of the Defaulter in such Manner as they may think fit, and may recover the Arrears due, together with the Expenses of stopping the Supply, in the Manner herein-after provided with respect to the Recovery of Rates made under the Authority of this Act: Provided always, that the stopping or cutting off any Supply of Water by the said Local Board under this Enactment shall not relieve any Person from any Penalty or Liability to which he would have been otherwise subject.

Composition
for and Re-
covery of
Rates upon
Tenements
under the
annual Value
of Ten
Pounds, &c.

XCV. Provided always, and be it enacted, That when the net annual Value of any Premises liable to Assessment under this Act does not exceed the Sum of Ten Pounds, or whenever any Premises liable to such Assessment are let to weekly or monthly Tenants, or in separate Apartments, and the Rents become payable or are collected at any shorter Period than quarterly, the Local Board of Health may from Time to Time, if they shall think fit, compound with the Owner of such Premises for the Payment of all or any of the Rates to be made under this Act, upon such reduced Estimate of the net annual Value, not being less than Two Thirds or more than Four Fifths of the net annual Value at which the Premises are then assessed, as the said Local Board shall deem to be reasonable; and any Owner who shall refuse to enter into such Composition shall be rated to and pay the Rates assessed upon such Premises in respect of which the Composition is offered; and if at any Time the Amount of Composition, or any Rate to which an Owner is assessed as last aforesaid, be due and unpaid, the same may be levied by Distress and Sale of the Goods and Chattels of the Owner in default, wheresoever they may be found, or of the Occupier or Occupiers of the Premises, in the same Manner as is herein-after provided with respect to the Recovery of Rates made under this Act: Provided always, that no such Owner shall be assessed in respect of any increased Rent which may become payable to him by reason of his so compounding for or becoming liable to any Rates as aforesaid: Provided also, that the Occupier or Occupiers of any such Premises as last aforesaid shall be liable to Distress and Sale of his or their Goods and Chattels for the Nonpayment of such Amount of Composition or Rates as may become due in respect of the Premises occupied by him or them during his or their Tenancy, but shall never be liable to pay any greater Sum than the Amount of the Rent actually due from him or them for such Premises; and he or they may deduct any Amount paid by him or them from the Rent due, or from Time to Time becoming due, from him or them, unless there be an Agreement to the contrary; and the Receipt for the Amount paid by him or them shall to that Extent be, as against the Owner in default, a sufficient Discharge for Rent.

XCVI. Pro-

XCVI. Provided also, and be it enacted, That it shall be lawful for the Local Board of Health to reduce or remit the Payment of any Rate on account of the Poverty of any Person liable to the Payment thereof.

Power to reduce or remit Rates on account of Poverty.

XCVII. Provided also, and be it enacted, That nothing in this Act shall alter, interfere with, or affect any Lease, Contract, or Agreement which shall have been made or entered into between Landlord and Tenant before this Act is applied to the District in which the Premises are situate in respect of which the Lease, Contract, or Agreement was made.

Act not to affect existing Agreements between Landlord and Tenant.

XCVIII. And be it enacted, That the Local Board of Health, before proceeding to make any General or Special District Rate or Private Improvement Rate under this Act, shall cause an Estimate to be prepared of the Money required for the Purposes in respect of which the Rate is to be made, showing the several Sums required for each of such Purposes, the rateable Value of the Property assessable, and the Amount of Rate which for those Purposes it is necessary to make upon each Pound of such Value; and the Estimate so made shall forthwith, after being approved of by the said Local Board, be entered in the Rate Book, and be kept at their Office, open to public Inspection during Office Hours thereat.

Estimate to be prepared before making Rates.

XCIX. And be it enacted, That public Notice of Intention to make any General or Special District Rate, and of the Time at which it is intended to make the same, and of the Place where a Statement of the proposed Rate is deposited for Inspection, shall be given by the Local Board of Health in the Week immediately before the Day on which the Rate is intended to be made, and at least Seven Days previously thereto, but in case of Proceedings to levy or recover any Rate it shall not be necessary to prove that such Notice was given.

Notice of Rate.

C. And be it enacted, That any Person interested in or assessed to any Rate made under this Act may inspect the same, and any Estimate made previously thereto, and may take Copies of or Extracts therefrom, without Fee or Reward; and whosoever, having the Custody of such Estimate or Rate, refuses to allow or does not permit such Inspection, or such Copies or Extracts to be taken, shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Rates to be open to Inspection.

CI. And be it enacted, That whenever the Name of any Owner or Occupier liable to be rated under this Act is not known to the Local Board of Health, it shall be sufficient to assess and designate him in the Rate as "the Owner" or "the Occupier" of the Premises in respect of which the Assessment is made, without further Description.

Description of Owner or Occupier in Rates, if his Name be unknown.

CII. And be it enacted, That the Local Board of Health may from Time to Time amend any Rate made in pursuance of this Act, by inserting therein the Name of any Person claiming and entitled to have his Name inserted, or by inserting the Name of any Person who

Rates may be amended.

Rates.

ought to have been assessed, or by striking out the Name of any Person who ought not to have been assessed, or by raising or reducing the Sum at which any Person has been assessed, if it appear to the said Local Board that he has been under-rated or over-rated, or by making any other Alteration which will make the Rate conformable to the Provisions of this Act; and no such Amendment shall be held to avoid the Rate: Provided always, that any Person who may feel himself aggrieved by any such Amendment shall have the same Right of Appeal therefrom as he would have had if the Matter of Amendment had appeared on the Rate originally made, and with respect to him the amended Rate shall be considered to have been made at the Time when he first received Notice of the Amendment; and in the Case of any Person the Amount of whose Rate is increased by the Amendment, or whose Name is thereby newly inserted as aforesaid, the Rate shall not be payable by him until Seven Days after such Notice shall have been given to him.

Rates made under this Act to be published as Poor Rates, and collected as Local Board shall appoint.

Justices may summon Persons for Nonpayment, and in default may recover by Distress.

CIII. And be it enacted, That all Rates made or collected under the Authority of this Act shall be published in the same Manner as Poor Rates, and shall commence and be payable at such Time or Times, and shall be made in such Manner and Form, and be collected by such Persons, and either together or separately, or with any other Rate or Tax, as the Local Board of Health shall from Time to Time appoint; and if any Person assessed to any such Rate fail to pay the same when due, and for the Space of Fourteen Days after the same shall have been lawfully demanded in Writing, any Justice may and he is hereby empowered to summon the Defaulter to appear before him, or any other Justice, at a Time and Place to be mentioned in the Summons, to show Cause why the Rate in arrear should not be paid; and in case the Defaulter fail to appear according to the Exigency of the Summons, or no sufficient Cause for Nonpayment be shown, the Justice may, by Warrant under his Hand and Seal, cause the same to be levied by Distress of the Goods and Chattels of the Defaulter: Provided always, that if no Distress sufficient to satisfy the Amount can be found within the Jurisdiction of the Justice by whom such Warrant is granted, and it so appear upon Oath before a Justice of any other County or Jurisdiction in which any Goods or Chattels of the Defaulter may be, the last-mentioned Justice shall endorse his Signature upon the said Warrant, and thereupon the Amount to be levied, or so much thereof as may be unsatisfied, shall be levied off the last-mentioned Goods and Chattels, in the same Manner as if the Defaulter had been assessed in the last-mentioned County or Jurisdiction; and if any Person quit or be about to quit any Premises without Payment of any Rate then due from him in respect of such Premises under this Act, and refuse to pay the same after lawful Demand thereof in Writing, any Justice having Jurisdiction where such Person resides or his Goods are found, may and he is hereby empowered to summon him to appear, at a Time and Place to be mentioned in the Summons, to show Cause why the Rate so due should not be paid; and in case the Defaulter fail to appear, or no sufficient Cause for Nonpayment be shown, the Justice may, by Warrant under his Hand and Seal, cause the Sum to be levied by Distress of the Goods and Chattels of the Defaulter.

CIV. And

CIV. And be it enacted, That Warrants of Distress for the Recovery of any Rate payable under the Authority of this Act may be in the Form contained in the Schedule (D.) annexed to this Act, or to the like Effect ; and any Constable authorized by any such Warrant who shall neglect or refuse to make Distress or Sale pursuant to the same, after being required so to do by a Collector of the District in which the Rate in arrear was made, shall be liable to a Penalty not exceeding Five Pounds.

Rates.

Form of Distress Warrant.

Penalty upon Constables refusing to levy.

CV. Provided always, and be it enacted, That nothing in this Act shall be deemed to alter or interfere with the Liability of the Universities of *Oxford* and *Cambridge* respectively to contribute in the Proportion and Manner specified in any Local Act under which the *Oxford* and *Cambridge* Commissioners respectively now act towards the Expense of paving and pitching, repairing, lighting, and cleansing, under the Powers of any such Local Act, the several Streets, Lanes, Ways, Alleys, Passages, and Places within the Jurisdiction of such Commissioners respectively ; and in case any Difference shall arise between either of the said Universities and the Local Board of Health with respect to the Proportion and Manner in which the University shall contribute towards any Expenses under this Act, and to which the University is not liable under any such Local Act, the same shall be settled by the General Board of Health : Provided also, that all Rates, Contributions, and Sums of Money which may become payable under this Act by the said Universities respectively, and their respective Halls and Colleges, may be recovered from such Universities, Halls, and Colleges in the same Manner in all respects as Rates, Contributions, and Sums of Money may now be recovered from them by virtue of any such Local Act.

Quota of Rates to be paid by the Universities, &c.

CVI. And be it enacted, That the Production of the Books purporting to contain any Rate or Assessment made under this Act shall alone, and without any other Evidence whatsoever, be received as *prima facie* Evidence of the making and Validity of the Rates mentioned therein.

Evidence of Rates.

CVII. And be it enacted, That the Local Board of Health may, for the Purpose of defraying any Costs, Charges, and Expenses incurred or to be incurred by them in the Execution of this Act, borrow and take up at Interest, on the Credit of the Rates authorized to be made or collected under this Act, any Sums of Money necessary for defraying any such Costs, Charges, and Expenses ; and for the Purpose of securing the Repayment of any Sums so borrowed, together with such Interest as aforesaid, the said Local Board may mortgage and assign over to the Persons by or on behalf of whom such Sums are advanced the respective Rates upon the Credit of which the Sums are borrowed ; and the respective Mortgagees shall be entitled to a Proportion of the Rates comprised in their respective Mortgages according to the Sums in such Mortgages mentioned to have been advanced ; and each Mortgagee shall be repaid the Sums so advanced, with Interest, without any Preference over the others of them by reason of any Priority of Advance or the Date of his Mortgage : Provided always, that the Money borrowed under the Authority of this

Mortgage of Rates.

Rates may be mortgaged.

No Priority amongst Mortgagees.

*Mortgage of
Rates.*

this Act shall be borrowed only for Works of a permanent Nature, and shall not at any Time exceed in the whole the assessable Value for One Year of the Premises assessable under this Act within the District or Part of the District for or in respect of which such Money shall be borrowed, and shall (as far as practicable) be borrowed upon the Credit of the respective Rates applicable to the Works, Matters, or Things in respect of which the Money is required; and the Money borrowed for the Purpose of defraying any Costs, Charges, or Expenses incurred or to be incurred in respect of Part of a District only shall be charged (as far as practicable) upon the Credit of any separate Rates made or to be made for the Purposes of such Part; and in case any such Costs, Charges, or Expenses shall apply to or be incurred in respect of Two or more of such Parts, the Money borrowed in respect of the same shall be equitably apportioned by the Local Board upon any Rates made or to be made for the Purposes of such Parts respectively.

Commission-
ers of Public
Works may
make Ad-
vances to
Local Boards
under
5 & 6 Vict.
c. 9.

CVIII. And be it enacted, That the Commissioners acting in the Execution of an Act passed in the Second Session of the Fifth Year of Her Majesty's Reign, intituled, *An Act to authorize the Advance of Money out of the Consolidated Fund to a limited Amount for carrying on Public Works and Fisheries and Employment of the Poor, and to amend the Acts authorizing the Issue of Exchequer Bills for the like Purposes*, and in the Execution of any of the Acts recited in that Act, or of any Act or Acts for amending or continuing the same Acts or any of them, may, if they shall think fit, make Advances to the Local Board of Health of any District for the Purposes of this Act, upon the Security of the Rates to be levied by such Board under this Act, and without requiring any further or other Security than a Mortgage of such Rates.

Money may
be borrowed
at lower
Rates of In-
terest to pay
off Securities
bearing a
higher Rate.

CIX. And be it enacted, That if the Local Board of Health can at any Time borrow at a lower Rate of Interest than that secured by any Mortgage previously made by them, and then outstanding and in force, they may, if they shall think fit, so borrow accordingly, in order, with the Consent of the Mortgagee, to pay off and discharge any of the Securities bearing a higher Rate of Interest, and may charge the Rates which they may be authorized to mortgage under this Act with Payment of the Sum so borrowed, together with the Interest thereon, in such Manner and subject to such Regulations as are herein contained with respect to other Monies borrowed upon Mortgage.

Power to
borrow Mo-
ney to pay
off former
Mortgages.

CX. And be it enacted, That if at the Time appointed by any Mortgage Deed for Payment of the Principal Money secured thereby the Local Board of Health are unable to pay off the same, they may, if they shall think fit, borrow such Sum of Money as may be necessary for the Purpose of paying off the whole or any Part of the said Principal Monies, and may secure the Repayment of the same, and the Interest to be paid thereon, in the same Manner in all respects as in the Case of Monies borrowed for defraying Costs, Charges, and Expenses incurred by the Local Board of Health in the Execution of this Act.

CXI. And

CXI. And be it enacted, That every Mortgage authorized to be made under this Act shall be by Deed, truly stating the Date, Consideration, and the Time and Place of Payment, and shall (in the Case of a Noncorporate District) be sealed with the Seal of the Local Board of Health by or on the Part of whom the same is executed, and be signed by Five or more Members thereof, (or in the Case of a Corporate District) be sealed with the Common Seal, and may be made according to the Form contained in the Schedule (B.) to this Act annexed, or to the like Effect; and there shall be kept at the Office of the Local Board of Health a Register of the Mortgages upon each Rate, and within Fourteen Days after the Date of any Mortgage an Entry shall be made in the Register of the Number and Date thereof, and of the Names and Description of the Parties thereto, as stated in the Deed; and every such Register shall be open to public Inspection during Office Hours at the said Office, without Fee or Reward; and any Clerk or other Person having the Custody of the same, refusing to allow such Inspection, shall be liable to a Penalty not exceeding Five Pounds.

Mortgage of Rates.

Form of Mortgage.

Register of Mortgages.

CXII. And be it enacted, That any Mortgagee or other Person entitled to any such Mortgage may transfer his Estate and Interest therein to any other Person by Deed duly stamped, truly stating its Date and the Consideration for the Transfer; and such Transfers may be according to the Form contained in the Schedule (C.) to this Act annexed, or to the like Effect; and there shall be kept at the Office of the Local Board of Health a Register of the Transfers of Mortgage charged upon each Kind of Rate, and within Thirty Days after the Date of such Deed of Transfer, if executed within the United Kingdom, or within Thirty Days after its Arrival in the United Kingdom if executed elsewhere, the same shall be produced to the Clerk, who shall, upon Payment of the Sum of Five Shillings, cause an Entry to be made in such Register of its Date, and of the Names and Description of the Parties thereto, as stated in the Transfer; and upon any Transfer being so registered the Transferee, his Executors, Administrators, or Assigns, shall be entitled to the full Benefit of the original Mortgage, and the Principal and Interest secured thereby; and every such Transferee may in like Manner transfer his Estate and Interest in any such Mortgage; and no Person except the Person to whom the same shall have been last transferred, his Executors, Administrators, or Assigns, shall be entitled to release or discharge any such Mortgage, or any Money secured thereby.

Transfer of Mortgages.

Register of Transfers.

CXIII. And be it enacted, That the Interest secured by any Mortgage authorized to be made under this Act shall, unless otherwise provided, be paid half-yearly; and in order to pay off any Monies borrowed and secured by any such Mortgage the Local Board of Health shall in every Year, until the same be paid off, appropriate and set apart as a Sinking Fund such Sum as, together with the Interest from Time to Time to accrue thereon, will in the Period of Thirty Years amount to a Sum sufficient to repay the Monies borrowed and secured by any such Mortgage, and shall from Time to Time cause such Sinking Fund, and the Interest thereon, to be invested in the Purchase of Exchequer Bills or other Govern-

Interest to be paid half-yearly.

Mortgage Debts to be paid off by means of a Sinking Fund.

Mortgage of Rates.

ment Securities, and to be increased by Accumulation in the way of Compound Interest or otherwise; and whenever the said Local Board are enabled to pay off One or more of the Mortgages charged upon the same Property or Rate, and are not able to pay off the whole of the Mortgages so charged, they shall, in default of Arrangement between the Local Board of Health and the Mortgagees, decide by Lot the Order in which the same shall be paid off.

Receiver may be appointed in certain Cases.

CXIV. And be it enacted, That if at the Expiration of Six Months from the Time when any Principal Money or Interest has become due upon any Mortgage of Rates made under this Act, and after Demand in Writing, the same be not paid, the Mortgagee or other Person entitled thereto may, without Prejudice to any other Mode of Recovery, apply for the Appointment of a Receiver to Two Justices, who are hereby empowered, after hearing the Parties, to appoint in Writing under their Hands and Seals some Person to collect and receive the whole or a competent Part of the Rates liable to the Payment of the Principal or Interest in respect of which the Application is made, until such Principal or Interest, or both, as the Case may be, together with the Costs of the Application and the Costs of Collection, are fully paid; and upon such Appointment being made all such Rates, or such competent Part thereof as aforesaid, shall be paid to the Person appointed, and when so paid shall be so much Money received by or to the Use of the Mortgagee or Mortgagees of such Rates, and shall be rateably apportioned between them: Provided always, that no such Application shall be entertained unless the Sum or Sums due and owing to the Applicant amount to One thousand Pounds, or unless a joint Application be made by Two or more Mortgagees or other Persons to whom there may be due, after such Lapse of Time and Demand as last aforesaid, Monies collectively amounting to that Sum.

Byelaws.

Byelaws of Local Board not to be in force till confirmed by Secretary of State.

CXV. And be it enacted, That all Byelaws made by the Local Board of Health under and for the Purposes of this Act shall be in Writing under their Seal, and the Signature of any Five or more of their Number, or (in the Case of a Corporate District) under the Common Seal; and the said Local Board may by any such Byelaws impose upon Offenders against the same such reasonable Penalties as they shall think fit, not exceeding the Sum of Five Pounds for each Offence, and in the Case of a continuing Offence a further Penalty not exceeding the Sum of Forty Shillings for each Day after written Notice of the Offence from the said Local Board; and the said Local Board may alter or repeal any such Byelaws by any subsequent Byelaws, sealed and signed, or (in case of a Corporate District) sealed, as last aforesaid: Provided always, that all such Byelaws imposing any Penalty shall be so framed as to allow of the Recovery of any Sum less than the full Amount of the Penalty: Provided also, that no such Byelaws shall be repugnant to the Laws of *England* or to the Provisions of this Act, and the same shall not be of any Force or Effect unless and until the same be submitted to and confirmed by One of Her Majesty's Principal Secretaries of State, who is hereby empowered to allow or disallow the same, as he may think proper: Provided also, that no such Byelaws shall be confirmed

Notice of Confirmation, &c.

firmed unless Notice of Intention to apply for Confirmation of the same shall have been given in One or more of the public Newspapers usually circulated within the District to which such Byelaws relate One Month at least before the making of such Application; and for One Month at least before any such Application a Copy of the proposed Byelaws shall be kept at the Office of the Local Board of Health, and be open during Office Hours thereat to the Inspection of the Ratepayers of the District to which such Byelaws relate, without Fee or Reward; and the Clerk shall furnish every such Ratepayer who shall apply for the same with a Copy thereof or of any Part thereof on Payment of Sixpence for every One hundred Words contained in such Copy.

Byelaws.

CXVI. And be it enacted, That all Byelaws made by the Local Board of Health in pursuance of this Act shall be printed and hung up in the Office of the said Local Board; and Copies thereof shall be delivered to any Ratepayer of the District to which such Byelaws relate, upon his Application for the same.

Byelaws to be printed, &c.

CXVII. And be it enacted, That the Local Board of Health within the Limits of their District shall, exclusively of any other Person whatsoever, execute the Office of and be Surveyor of Highways, and have all such Powers, Authorities, Duties, and Liabilities as any Surveyor of Highways in *England* is now or may hereafter be invested with or be liable to by virtue of his Office by the Laws in force for the Time being, except in so far as such Powers, Duties, or Authorities are or may be inconsistent with the Provisions of this Act; and the Inhabitants of any District shall not in respect of any Property situate therein be liable to the Payment of Highway Rate or other Payment, not being a Toll, in respect of making or repairing Roads or Highways within any Parish, Township, or Place, or Part of any Parish, Township, or Place, situate beyond the Limits of such District: Provided always, that the several Persons who at the Time when this Act is applied to any District are Surveyors of Highways within the same District may recover any Highway Rate made in respect of the said District, and then remaining unpaid, in the same Manner as if this Act had not been passed; and the Money so recovered shall be applied, in the first place, in reimbursing themselves any Expenses incurred by them as such Surveyors, and in discharging any Debts legally owing by them on account of the Highways within their Jurisdiction; and the Surplus (if any) shall be paid by them to the Treasurer, and carried to the District Fund Account mentioned in this Act: Provided also, that neither the Allowance by Justices, nor the Signature by the Local Board of Health, shall be necessary in the Case of any Rate made by the Local Board of Health under this Act.

Powers transferred, &c.

Local Board to be Surveyors of Highways;

but existing Surveyors to recover Rates in arrear.

CXVIII. And be it enacted, That notwithstanding the Application of this Act to any District, the Liability of any Person whomsoever to defray or contribute towards the Expense of making, completing, altering, amending, or maintaining any Sewer, or any Walls or Works for protecting the Land against the Force or Encroachments of the Sea, or of paving or flagging or putting in order any Street

Existing Liabilities to make Sewers, &c. not to be discharged.

Powers transferred, &c.

General Superintendence.

Mortgage of Rates to be made only with Approval of General Board.

Parties aggrieved by Proceedings of Local Board as to Recovery of certain Expenses may appeal to the General Board.

Superintending Inspectors may summon Witnesses, call for Plans, Rates, &c.

Street or Part thereof within the District, shall, if incurred previously to the Time when this Act is so applied, continue, and the same may be enforced, as if this Act had not been passed, and the Rates to be levied under this Act shall be made only for Purposes to which such Liability does not extend.

CXIX. And be it enacted, That it shall not be lawful for the Local Board of Health to borrow or take up at Interest any Sum or Sums of Money upon the Credit of any Rates authorized to be made or collected under this Act, without the previous Consent of the General Board of Health.

CXX. And be it enacted, That if in any Case in which the Local Board are empowered to recover any Expenses incurred by them in a summary Manner, or to declare such Expenses to be Private Improvement Expenses, any Person shall deem himself to be aggrieved by the Decision of the said Local Board thereupon, he may, within Seven Days after Notice of such Decision, address a Memorial to the said General Board, stating the Grounds of his Complaint; and the said General Board may make such Order in the Matter as to them may seem equitable, and the Order so made shall be binding and conclusive upon the said Local Board; and if the said Local Board shall have proceeded to recover such Expenses in a summary Manner, the said General Board may, if they shall think fit, direct the said Local Board to pay to the Person so proceeded against such Sum as they may consider to be a just Compensation for the Loss, Damage, or Grievance thereby sustained by him.

CXXI. And be it enacted, That during any Inquiry by a Superintending Inspector under this Act he may and he is hereby empowered to summon before him any Persons whomsoever, and to examine them upon Oath or otherwise touching any Matter relating to the Purposes of the Inquiry, and he may by any such Summons require any Parochial Officer, or any Officer of or acting under any Corporation, Guardians, or Directors of the Poor, and any Commissioner, Trustee, Officer, or Person acting under any Local Act of Parliament in force within the District or Place to which any such Inquiry may relate, to produce before him any Surveys, Plans, Sections, Rate Books, or other like Documents which may by reason of their Office be in their Custody or Control touching any Matter relating to the Purposes of such Inquiry, and such Inspector may examine, inspect, or take Copies of any such Books, Surveys, Plans, Sections, and Documents, or any of them, or Part thereof; and whosoever wilfully disobeys any such Summons, or prevents any such Inspector from examining, inspecting, or taking Copies as last aforesaid, or refuses to answer any Question put to him by such Inspector for the Purposes of the said Inquiry, shall be liable to a Penalty not exceeding Five Pounds: Provided always, that no Person shall be required to attend in obedience to any such Summons unless the reasonable Charges of his Attendance shall have been paid or tendered to him; and no Person shall be required in any Case, in obedience to any such Summons, to travel more than Ten Miles from his Place of Abode.

CXXII. And

CXXII. And be it enacted, That the Accounts of the Receipts and Expenditure of the Local Board of Health shall be audited and examined once in every Year at the least, at such Time or Times as shall be appointed by such Local Board, in case of a Corporate District, by the Auditors of the Corporate Borough, whereof the whole or Part is within such District; and in case of a District exclusively consisting of the whole or Part of Two or more Corporate Boroughs, or of One or more of such Boroughs, and also of Part of any such Borough or Boroughs, by such Two of the Auditors for the Time being of the Corporate Boroughs respectively whereof the whole or Part is within such District as shall from Time to Time be appointed by the Local Board of Health, and in case of any other District as soon as can be after the Twenty-fifth Day of *March* in every Year, by the Auditor of Accounts relating to the Relief of the Poor for the District for the Audit of such Accounts, or for the Parish or Union in which such District under this Act is comprised, or if any District under this Act be partly situate in Two or more Parishes, Unions, or Districts for the Audit of Accounts, by such One of the Auditors for the Time being of the Parishes, Unions, or Districts for the Audit of Accounts (whereof the whole or Part is within such District under this Act) as shall from Time to Time be appointed by the Local Board of Health; and for the Purposes of any Audit and Examination of Accounts under this Act, every such Auditors or Auditor may, by Summons in Writing, require the Production before him of all Books, Deeds, Contracts, Accounts, Vouchers, and all other Documents and Papers which they or he may deem necessary, and may require any Person holding or accountable for any such Books, Deeds, Contracts, Accounts, Vouchers, Documents, or Papers to appear before them or him at any such Audit and Examination or Adjournment thereof, and to make and sign a Declaration with respect to the same; and if any such Person neglect or refuse so to do, or to produce any such Books, Deeds, Contracts, Accounts, Vouchers, Documents, or Papers, or to make or sign such Declaration, he shall be liable for every Neglect or Refusal to a Penalty of Forty Shillings, and if he falsely or corruptly make or sign any such Declaration, knowing the same to be untrue in any material Particular, he shall be liable to the Penalties inflicted upon Persons guilty of wilful and corrupt Perjury; and all Accounts certified by the Auditors or Auditor acting under this Act shall be final and conclusive to all Intents and Purposes; and such Auditors or Auditor shall in respect of each Audit be paid by the Local Board of Health, out of the General District Rates levied under this Act, such reasonable Remuneration as they shall from Time to Time by Order in Writing determine and appoint: Provided always, that before each Audit and Examination of Accounts under this Act the Clerk shall give Ten Days Notice of the Time and Place at which the same will be made, by Advertisement in some One or more of the public Newspapers usually circulated within the District for which the Audit and Examination will be made; and a Copy of the Accounts to be audited and examined shall be deposited in the Office of the Local Board of Health, and be open, during Office Hours thereat, to the Inspection of all Persons interested, for Seven Days before the Audit and Examination; and all such Persons shall be at liberty to take

*General
Superinten-
dence.*

As to Audit
of Accounts.

Power to
Auditor to
require Pro-
duction of
Books, &c.

Penalty on
Persons for
Neglect.

Accounts
previous to
Audit to be
deposited,
and open to
Inspection,
&c.

General
Superinten-
dence.

Copies of or Extracts from the same without Fee or Reward; and within Fourteen Days after the Audit and Examination shall have been completed, the Auditors or Auditor shall report upon the Accounts audited and examined, and shall deliver such Report to the Clerk, who shall cause the same to be deposited in the Office of the Local Board of Health, and to be published in some One or more of the public Newspapers usually circulated in the District to which it relates.

Arbitration.

Mode of
referring to
Arbitration.

CXXIII. And be it enacted, That in case of Dispute as to the Amount of any Compensation to be made under the Provisions of this Act (except where the Mode of determining the same is specially provided for), and in case of any Matter which by this Act is authorized or directed to be settled by Arbitration, then, unless both Parties concur in the Appointment of a single Arbitrator, each Party, on the Request of the other, shall appoint an Arbitrator, to whom the Matter shall be referred; and every such Appointment when made on the Behalf of the Local Board of Health shall (in the Case of a Noncorporate District) be under their Seal and the Hands of any Five or more of their Number, or under the Common Seal in case of a Corporate District, and on the Behalf of any other Party under his Hand, or if such Party be a Corporation Aggregate under the Common Seal thereof; and such Appointment shall be delivered to the Arbitrators, and shall be deemed a Submission to Arbitration by the Parties making the same; and after the making of any such Appointment the same shall not be revoked without the Consent of both Parties, nor shall the Death of either Party operate as a Revocation; and if for the Space of Fourteen Days after any such Matter shall have arisen and Notice in Writing by One Party who has himself duly appointed an Arbitrator to the other Party, stating the Matter to be referred, and accompanied by a Copy of such Appointment, the Party to whom Notice is given fail to appoint an Arbitrator, the Arbitrator appointed by the Party giving the Notice shall be deemed to be appointed by and shall act on behalf of both Parties; and the Award of any Arbitrator or Arbitrators appointed in pursuance of this Act shall be binding, final, and conclusive upon all Persons, and to all Intents and Purposes whatsoever.

Death, &c.
of One of
several Arbi-
trators;

CXXIV. And be it enacted, That if before the Determination of any Matter so referred any Arbitrator die, or refuse or become incapable to act, the Party by whom such Arbitrator was appointed may appoint in Writing another Person in his Stead; and if he fail so to do for the Space of Seven Days after Notice in Writing from the other Party in that Behalf the remaining Arbitrator may proceed *ex parte*; and every Arbitrator so appointed shall have the same Powers and Authorities as were vested in the Arbitrator in whose Stead the Appointment is made; and in case a single Arbitrator die, or become incapable to act, before the making of his Award, or fail to make his Award within Twenty-one Days after his Appointment, or within such extended Time, if any, as shall have been duly appointed by him for that Purpose, the Matters referred to him shall be again referred to Arbitration under the Provisions of this Act, as if no former Reference had been made.

of single
Arbitrator.

CXXV. And

CXXV. And be it enacted, That in case there be more than One Arbitrator, the Arbitrators shall, before they enter upon the Reference, appoint by Writing under their Hands an Umpire, and if the Person appointed to be Umpire die, or become incapable to act, the Arbitrators shall forthwith appoint another Person in his Stead; and in case the Arbitrators neglect or refuse to appoint an Umpire for Seven Days after being requested so to do by any Party to the Arbitration, the Court of General or Quarter Sessions shall, on the Application of any such Party, appoint an Umpire; and the Award of the Umpire shall be binding, final, and conclusive upon all Persons and to all Intents and Purposes whatsoever; and in case the Arbitrators fail to make their Award within Twenty-one Days after the Day on which the last of them was appointed, or within such extended Time, if any, as shall have been duly appointed by them for that Purpose, the Matters referred shall be determined by the Umpire; and the Provisions of this Act with respect to the Time for making an Award, and with respect to extending to the same in the Case of a single Arbitrator, shall apply to an Umpirage.

Arbitration.

Appoint-
ment of
Umpire by
the Parties;

by Quarter
Sessions.

CXXVI. Provided always, and be it enacted, That the Time for making an Award under this Act shall not be extended beyond the Period of Three Months from the Date of the Submission or from the Day on which the Umpire shall have been appointed (as the Case may be).

Time within
which Award
must be
made.

CXXVII. And be it enacted, That any Arbitrator, Arbitrators, or Umpire, appointed by virtue of this Act, may require the Production of such Documents in the Possession or Power of either Party as they or he may think necessary for determining the Matters referred, and may examine the Parties or their Witnesses on Oath; and the Costs of and consequent upon the Reference shall be in the Discretion of the Arbitrator or Arbitrators, or of the Umpire (in case the Matters referred are determined by an Umpire under the Power herein-before contained in that Behalf); and any Submission to Arbitration under the Provisions of this Act may be made a Rule of any of the Superior Courts, on the Application of any Party thereto.

Power to
Arbitrator to
require Pro-
duction of
Documents.
As to Costs
of Reference.

Submission
may be made
a Rule of
Court.

CXXVIII. And be it enacted, That before any Arbitrator or Umpire shall enter upon any such Reference as aforesaid he shall make and subscribe the following Declaration before a Justice of the Peace; (that is to say,)

Declaration
to be made
by Arbi-
trator and
Umpire.

‘ I *A.B.* do solemnly and sincerely declare, That I will faithfully and honestly, and to the best of my Skill and Ability, hear and determine the Matters referred to me under the Public Health Act, 1848. *A.B.*’

And such Declaration shall be annexed to the Award when made; and if any Arbitrator or Umpire shall wilfully act contrary to such Declaration he shall be guilty of a Misdemeanor.

CXXIX. And be it enacted, That in all Cases in which the Amount of any Damages, Costs, or Expenses is by this Act directed to be ascertained or recovered in a summary Manner the same may be

Legal Proceedings.

Recovery of
Damages, &c.

*Legal
Proceedings.*

be ascertained by and recovered before Two Justices, together with such Costs of the Proceedings as the Justices may think proper; and if the Sums adjudged be not paid by the Party against whom the Adjudication is made the same may be levied by Distress and Sale of his Goods and Chattels, by Warrant under the Hands and Seals of the Justices making the Adjudication; and any Penalty imposed by or under the Authority of this Act, or any Byelaw made under this Act, the Recovery whereof is not otherwise expressly provided for, may, upon Proof on Oath of the Offence in respect of which the Penalty is alleged to have been incurred, be recovered before Two Justices, together with such Costs of the Proceedings as they may think proper; and if the Sums adjudged be not paid by the Party against whom the Adjudication is made the same may be levied by Distress and Sale of his Goods and Chattels, by Warrant under the Hands and Seals of the Justices making the Adjudication; and such Justices or either of them may order that any Offender convicted as last aforesaid be detained and kept in safe Custody until Return can be conveniently made to the last-mentioned Warrant, unless he give sufficient Security, by way of Recognizance or otherwise, for his Appearance on the Day appointed by the Return, such Day not being more than Eight Days from the Time of taking the Security; and if before issuing such Warrant, or upon the Return thereof, it appear to the Satisfaction of the last-mentioned Justices that no sufficient Distress can be had within their Jurisdiction, they may, by Warrant under their Hands and Seals, cause the Offender to be committed to Gaol, there to remain, without Bail, for any Term not exceeding Three Months, unless such Penalty and Costs be sooner paid.

Form of
Conviction.

CXXX. And be it enacted, That the Justices before whom any Person is convicted of any Offence against the Provisions of this Act may cause the Conviction to be drawn up according to the Form and Directions contained in the Schedule (E.) annexed to this Act, or to the like Effect; and any Conviction so drawn up shall be valid and effectual to all Intents and Purposes.

Mode of
proceeding
before Jus-
tices.

CXXXI. And be it enacted, That in proceeding before any Justice or Justices under the Provisions of this Act, in any Case in which the Mode of proceeding is not specially prescribed, any One Justice may summon the Party charged to appear before the Justice or Justices by whom the Matter is to be determined at a Time and Place to be named; and upon the Appearance of the Party charged, or in his Absence upon Proof of Service of the Summons upon him personally, or by leaving a Copy thereof at his last known Place of Abode or Business, the last-mentioned Justice or Justices may hear and determine the Matter, and for that Purpose examine the Parties or any of them, and their Witnesses, on Oath; and the Costs of all such Proceedings shall be in the Discretion of the last-mentioned Justice or Justices; and where in this Act any Sum of Money whatsoever is directed to be levied by Distress and Sale of the Goods and Chattels of any Party, the Overplus arising from such Sale shall, after satisfying such Sum, and the Costs and Expenses of the Distress and Sale, be returned to him, on Demand; and no Distress levied under the Authority of this Act shall be unlawful, nor shall

any

Distress how
to be levied;

not unlawful
for Want of
Form.]

any Party making the same be a Trespasser on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall he be a Trespasser *ab initio* on account of any Irregularity afterwards committed by him, but all Persons aggrieved by such Defect or Irregularity may recover full Satisfaction in an Action upon the Case.

CXXXII. And be it enacted, That Justices of the Peace, being also Members of any Local Board of Health, may, if acting in Petty Sessions, notwithstanding their being such Members, exercise the Jurisdiction vested in them as such Justices under this Act.

Legal Proceedings.

Justices, though Members of Local Board, may act under this Act.

CXXXIII. And be it enacted, That no Proceedings for the Recovery of any Penalty incurred under the Provisions of this Act shall be had or taken by any Person other than by a Party grieved, or the Local Board of Health in whose District the Offence is committed, or by the Churchwardens and Overseers of the Poor (where any such Penalty is directed to be paid to the Churchwardens and Overseers of the Poor), without the Consent in Writing of Her Majesty's Attorney General first had and obtained; and that no such Penalty shall be recovered unless Proceedings for the Recovery thereof shall have been commenced within Six Calendar Months after the Commission or Occurrence of the Offence upon which the Penalty attaches; and if the Application of the Penalty be not otherwise provided for, One Half thereof shall go to the Informer, and the Remainder to the Local Board of Health of the District in which the Offence was committed: Provided always, that if the said Local Board be the Informer they shall be entitled to the whole of the Penalty recovered; and all Penalties or Sums recovered on account of any Penalty by them shall be paid over to the Treasurer, and shall by him be placed to the District Fund Account mentioned in this Act.

Common Informers not to sue without Consent of Attorney General.

Proceedings for Penalties to be taken within Six Months.

Application of Penalties.

CXXXIV. And be it declared and enacted, That, notwithstanding the Liability of any Person to any Penalty under the Provisions of this Act, he shall not be relieved from any other Liability to which he would have been subject if this Act had not been passed.

Liability to Penalty not to relieve from other Liabilities.

CXXXV. And be it enacted, That any Person who shall think himself aggrieved by any Rate made under the Provisions of this Act, or by any Order, Conviction, Judgment, or Determination of or by any Matter or Thing done by any Justice or Justices, in any Case in which the Penalty imposed or the Sum adjudged shall exceed the Sum of Twenty Shillings, may appeal to the Court of General or Quarter Sessions holden next after the making of the Rate objected to, or Accrual of the Cause of Complaint; but the Appellant shall not be heard in support of the Appeal unless within Fourteen Days after the making and Publication of the Rate appealed against, or Accrual of the Cause of Complaint, he give to the Local Board of Health or Justice or Justices by whose Act he may think himself aggrieved Notice in Writing stating his Intention to bring such Appeal, together with a Statement in Writing of the Grounds of Appeal; and the said Court, upon hearing and finally determining the Matter of the Appeal, shall and may, according to its Discretion,

Appeal to Quarter Sessions.

*Legal
Proceedings.*

award such Costs to the Party appealing or appealed against as they shall think proper, and its Determination in or concerning the Premises shall be conclusive and binding on all Persons to all Intents and Purposes whatsoever : Provided always, that if there be not Time to give such Notice and enter into such Recognizance as aforesaid before the Sessions holden as last aforesaid, then such Appeal may be made to, and such Notice, Statement, and Recognizance be given and entered into for, the next Sessions at which the Appeal can be heard : Provided also, that on the Hearing of the Appeal no Grounds of Appeal shall be gone into or entertained other than those set forth in such Statement as aforesaid.

*Power of
Sessions
upon Ap-
peals against
Rates.*

CXXXVI. And be it enacted, That the said Court of General or Quarter Sessions shall upon Appeals under this Act against any Rate have the same Power to amend or quash any Rate or Assessment, and to award Costs between the Parties to the Appeal, as is or may by Law be vested in any Court of General or Quarter Sessions with respect to amending or quashing any Rate or Assessment, or awarding Costs, upon Appeals with respect to Rates for the Relief of the Poor ; and the Costs awarded by the said Court under this Act may be recovered in the same Manner in all respects as Costs awarded upon the last-mentioned Appeals : Provided always, that, notwithstanding the quashing of any Rate appealed against, all Monies charged by such Rate shall, if the Court before whom the Appeal is heard think fit so to order, be levied as if no Appeal had been made, and such Monies, when paid, shall be taken as Payment on account of the next effective Rate for the Purposes in respect of which the quashed Rate was made.

*No Rate or
Proceeding
to be quashed
for Want of
Form, &c.*

CXXXVII. And be it enacted, That no Rate, nor any Proceeding to be had touching the Conviction of any Offender against this Act, nor any Order, Award, or other Matter or Thing whatsoever made, done, or transacted in or relating to the Execution of this Act, shall be vacated, quashed, or set aside for Want of Form, or be removed or removable by Certiorari or other Writ or Process whatsoever into any of the Superior Courts.

*Proceedings
in case of
Noncorpo-
rate Dis-
tricts.*

CXXXVIII. And be it enacted, That the Local Board of Health of any Noncorporate District may sue and be sued in the Name of the Clerk for the Time being for or concerning any Contract, Matter, or Thing whatsoever relating to any Property, Works, or Things vested or to become vested in them by reason of the Provisions of this Act, or relating to any Matter or Thing whatsoever entered into or done or intended to be entered into or done by them, under the Provisions of this Act ; and in any Action of Ejectment brought or prosecuted by such Local Board it shall be sufficient to lay the Demise in the Name of the said Clerk ; and in Proceedings by or on the Part of such Local Board against any Person for stealing or wilfully injuring or otherwise improperly dealing with any Property, Works, or Things belonging to them or under their Management, it shall be sufficient to state generally that the Property or Thing in respect of which the Proceeding is instituted is the Property of the said Clerk, and all legal Proceedings by, on the Part of, or against such Local Board, under

*Actions, &c.
in Name of
Clerk.**Mode of
describing
Property
of Local
Board.*

under this Act may be preferred, instituted, and carried on in his Name; and no Proceedings whatever shall abate or be discontinued by the Death, Resignation, or Removal of the Clerk, or by reason of any Change or Vacancy in such Local Board by Death, Resignation, or otherwise: Provided always, that the Clerk in whose Name any such Action or Suit, Complaint, Information, or Proceeding may be brought, preferred, instituted, or defended as aforesaid, shall be fully reimbursed, out of the General District Rates to be levied under this Act, all such Costs, Charges, Damages, and Expenses as he shall or may be or become liable to pay, sustain, or be put unto by reason of his Name being so used.

Legal Proceedings.
Actions, &c. not to abate. Clerk to be reimbursed Expenses.

CXXXIX. And be it enacted, That no Writ or Process shall be sued out against or served upon any Superintending Inspector, or any Officer or Person acting in his Aid, or under the Direction of the General Board of Health, nor against the Local Board of Health, or any Member thereof, or the Officer of Health, Clerk, Surveyor, Inspector of Nuisances, or other Officer or Person whomsoever acting under the Direction of the said Local Board, for anything done or intended to be done under the Provisions of this Act, until the Expiration of One Month next after Notice in Writing shall have been delivered to him, or left at their or his Office or usual Place of Abode, clearly and explicitly stating the Cause of Action, and the Name and Place of Abode of the intended Plaintiff, and of his Attorney or Agent in the Cause; and upon the Trial of any such Action the Plaintiff shall not be permitted to go into Evidence of any Cause of Action which is not stated in the last-mentioned Notice; and unless such Notice be proved the Jury shall find for the Defendant; and every such Action shall be brought or commenced within Six Months next after the Accrual of the Cause of Action, and not afterwards, and shall be laid and tried in the County or Place where the Cause of Action occurred, and not elsewhere; and the Defendant shall be at liberty to plead the General Issue, and give this Act and all special Matter in Evidence thereunder; and any Person to whom any such Notice of Action is given as aforesaid may tender Amends to the Plaintiff, his Attorney or Agent, at any Time within One Month after Service of such Notice, and in case the same be not accepted may plead such Tender in bar, and (by Leave of the Court) with the General Issue or other Plea or Pleas; and if upon Issue joined upon any Plea pleaded to the whole Action the Jury find generally for the Defendant, or if the Plaintiff be nonsuited or discontinued, or if Judgment be given for the Defendant, then the Defendant shall be entitled to full Costs of Suit, and have Judgment accordingly; and in case Amends have not been tendered as aforesaid, or in case the Amends tendered be insufficient, the Defendant may, by Leave of the Court, at any Time before Trial, pay into Court, under Plea, such Sum of Money as he may think proper, and (by the like Leave) may plead the General Issue or other Plea or Pleas, any Rule of Court or Practice to the contrary notwithstanding.

Notice of Action.

Limitation of Actions.

Venue.
General Issue.
Tender of Amends, &c.

Money may be paid into Court.

CXL. And be it enacted, That no Matter or Thing done or Contract entered into by the Local Board of Health, nor any Matter or Thing done by any Superintending Inspector, or any Member of the

Persons acting in execution of Act not to be personally liable.

the said Local Board, or by the Officer of Health, Clerk, Surveyor, Inspector of Nuisances, or other Officer or Person whomsoever acting under the Direction of the said Local Board, shall, if the Matter or Thing were done or the Contract were entered into *bonâ fide* for the Purpose of executing this Act, subject them or any of them personally to any Action, Liability, Claim, or Demand whatsoever; and any Expense incurred by any such Local Board, Member, Officer of Health, Clerk, Surveyor, Inspector of Nuisances, or other Officer or Person acting as last aforesaid, shall be borne and repaid out of the General District Rates levied under the Authority of this Act.

Miscellaneous.

Orders in Council and Provisional Orders may be amended and Districts extended.

CXLI. And be it enacted, That Her Majesty may from Time to Time alter or amend any Order in Council made under or in pursuance of the Provisions of this Act, by any subsequent Order in Council, in such Manner as Her Majesty, by and with the Advice of Her Privy Council, may think proper; and if at any Time it appear to the General Board of Health that any Provisional Order made by them under this Act should be altered or amended, or that the Boundaries of any District should be altered or extended, they shall make a Provisional Order under their Hands and Seal of Office accordingly: Provided always, that no Order in Council or Provisional Order as last aforesaid shall be made until such Proceedings have been taken in and with respect to the District and Parts to be affected thereby as are herein-before required to be taken previously to the original Constitution of a District under this Act; and no such Provisional Order shall be of any Force or Effect without the previous Authority of Parliament, as herein-before prescribed with respect to Provisional Orders made under this Act.

Publication of Orders in Council, &c.

CXLII. And be it enacted, That all Orders in Council under this Act shall take effect and be in full Force and Operation within the District to which they apply from and after a Day which shall be specified in such Orders for that Purpose; and a Copy of every such Order shall be published in the *London Gazette*, and shall be laid before Parliament in the Month of *January* in every Year if Parliament be then sitting, or if Parliament be not then sitting then within One Week after the next Meeting thereof; and whenever any Provisional Order of the General Board of Health is submitted to Parliament for Confirmation, the said General Board shall present to both Houses of Parliament a Copy of all Reports of any Superintending Inspector with respect to the Parts to which the Provisional Order relates, and of all Memorials forwarded to the said General Board with respect to such Reports.

Reports of Superintending Inspectors, &c. to be laid before Parliament.

Entry upon Lands for the Purposes of this Act.

CXLIII. And be it enacted, That in case it shall become necessary to enter, examine, or lay open any Lands or Premises for the Purpose of making Plans, surveying, measuring, taking Levels, examining Works, ascertaining the Course of Sewers or Drains, or ascertaining or fixing Boundaries, and the Owner or Occupier of such Lands or Premises shall refuse to permit the same to be entered upon, examined, or laid open for the Purposes aforesaid or any of them, the Local Board of Health may, upon Notice to such Owner or Occupier, apply to Two Justices for an Order authorizing the Members of such

Local

Local Board, and the Superintending Inspector, Surveyor, and Inspector of Nuisances, or any of them, to enter, examine, and lay open the said Lands and Premises for the Purposes aforesaid or any of them, and if no sufficient Cause shall be shown against the same the said Justices may make an Order authorizing the same accordingly, and thereupon any Superintending Inspector, the Local Board of Health, or any Member thereof, the Surveyor and Inspector of Nuisances, and any Person authorized by any such Superintending Inspector, Local Board, Surveyor, or Inspector of Nuisances, may, at all reasonable Times between the Hours of Ten in the Forenoon and Four in the Afternoon, enter, examine, or lay open the Lands or Premises mentioned in such Order, for such of the said Purposes as shall be specified in the said Order, without being subject to any Action or Molestation for so doing: Provided always, that, except in case of Emergency, no Entry shall be made or Works commenced under the Powers of this Enactment unless Twenty-four Hours at the least previously thereto Notice of the intended Entry, and of the Object thereof, be given to the Occupier of the Premises intended to be entered.

Miscellaneous.

CXLIV. And be it enacted, That full Compensation shall be made, out of the General or Special District Rates to be levied under this Act, to all Persons sustaining any Damage by reason of the Exercise of any of the Powers of this Act; and in case of Dispute as to Amount the same shall be settled by Arbitration in the Manner provided by this Act, or if the Compensation claimed do not exceed the Sum of Twenty Pounds, the same may be ascertained by and recovered before Justices in a summary Manner.

Compensation in case of Damage by Local Board.

CXLV. And be it declared and enacted, That nothing in this Act shall be construed to authorize the Local Board of Health to use, injure, or interfere with any Sluices, Floodgates, Sewers, Groynes, Sea Defences, or other Works already or hereafter made under the Authority of any Commissioners of Sewers appointed by the Crown, or any Sewers or other Works already or hereafter made and used for the Purpose of draining, preserving, or improving Land under any Local or Private Act of Parliament, or for the Purpose of irrigating Lands, or to use, injure, or interfere with any Watercourse, Stream, River, Dock, Basin, Wharf, Quay, or Towing-path in which the Owner or Occupier of any Lands, Mills, Mines, or Machinery, or the Proprietors or Undertakers of any Canal or Navigation, shall or may be interested, without Consent in Writing first had and obtained; and that nothing herein contained shall prejudice or affect the Rights, Privileges, Powers, or Authorities given or reserved to any Person under any Local or Private Act of Parliament for the Drainage, Preservation, or Improvement of Land, or for or in respect of any Mills, Mines, Machinery, Canal, or Navigation, as last aforesaid.

Sewers, &c. of Commissioners of Sewers, private Watercourses, &c., not to be used without Consent.

CXLVI. And be it enacted, That in any Case in which the Local Board of Health may have incurred Expenses for the Repayment whereof the Owner of the Premises for or in respect of which the same are incurred is made liable by this Act, the said Local Board

Local Board may allow Owners Time for Repayment of Expenses.

Miscellaneous.

may, if they think fit, allow such Owner Time for Repayment, and receive the same by such annual Instalments, not being less than One Thirtieth Part of the entire Sum, together with Interest at the Rate of Five Pounds in the Hundred upon the Sum from Time to Time remaining unpaid, as they, under the Circumstances of each Case, may consider to be just ; but although Time for Repayment be allowed as last aforesaid, the Sum due, or so much thereof as may be unpaid, shall from Time to Time, in case of Default in Payment at the Times respectively appointed for Payment, be recoverable in like Manner in all respects as the entire Sum might have been recovered if Time for Repayment had not been allowed.

False Evi-
dence
punishable
as Perjury.

CXLVII. And be it enacted, That every Person who upon any Examination on Oath under the Provisions of this Act shall wilfully and corruptly give false Evidence shall be liable to the Penalties inflicted upon Persons guilty of wilful and corrupt Perjury.

Penalty for
obstructing
Officers,
defacing
Boards, &c. ;

upon Occu-
piers pre-
venting
Execution
of Works.

Occupiers
to disclose
Owners
Name.

CXLVIII. And be it enacted, That whosoever wilfully obstructs any Superintending Inspector, or any Member of the Local Board of Health, or any Officer or Person duly employed in the Execution of this Act, or destroys, pulls down, injures, or defaces any Board upon which any Byelaw, Notice, or other Matter is inscribed, shall, if the same were put up by Authority of the Local or General Board of Health, be liable for every such Offence to a Penalty not exceeding Five Pounds ; and if the Occupier of any Premises prevent the Owner thereof from obeying or carrying into effect the Provisions of this Act, any Justice to whom Application is made in this Behalf shall, by Order in Writing (which may be according to the Form contained in the Schedule (F.) to this Act annexed, or to the like Effect), require such Occupier to permit the Execution of the Works required to be executed, provided that the same appear to such Justice to be such as are necessary for the Purpose of obeying or carrying into effect the Provisions of this Act ; and if within a reasonable Time after the making of such Order the Occupier against whom it is made refuse to comply therewith, he shall be liable to a Penalty not exceeding Five Pounds for every Day afterwards during the Continuance of such Refusal ; and if the Occupier of any Premises, when requested by or on behalf of the Local Board of Health to state the Name of the Owner of the Premises occupied by him, shall refuse or wilfully omit to disclose or wilfully mis-state the same, any Justice may, on Oath made before him of such Request, and Refusal, Omission, or Mis-statement, summon the Party to appear before him or some other Justice at a Time and Place to be appointed in such Summons, and if after being so summoned he neglect or refuse to attend at the Time and Place so appointed, or if he do not show good Cause for such Refusal, or if such wilful Omission or Mis-statement be proved, the Justice before whom the Party is so summoned may impose upon the Offender a Penalty not exceeding Five Pounds.

Consents of
Board of
Health and

CXLIX. And be it enacted, That whenever the Consent, Sanction, or Approval or Authority of the General Board of Health is required
by

by the Provisions of this Act, the same shall be in Writing under their Seal and the Hands of Two or more Members thereof; and whenever the Consent, Sanction, Approval, or Authority of the Local Board of Health is so required the same shall (in the Case of a Noncorporate District) be in Writing under their Seal and the Hands of Five or more of them, or (in case of a Corporate District) under their Common Seal.

Miscellaneous.

Local Board
to be in
Writing.

CL. And be it enacted, That any Summons, Notice, Writ, or Proceeding of any kind whatsoever to be served upon the Local Board of Health may be so served by being left at or sent through any Post Office, directed to the Local Board of Health at their Office, or by being delivered there to the Clerk personally; and in all Cases in which any Notice is by this Act required to be given to the Owner or Occupier of any Premises it shall be sufficient to address the Notice to them by the Description of the "Owner" or "Occupier" (as the Case may require) of the Premises (naming them) in respect of which the Notice is given, without further Name or Description; and the Notice shall be served upon them or One of them, as the Case may require, either personally or by delivering the same to some Inmate of his or their Place of Abode, or in the Case of the Occupier (and also in case of the Owner, if his Place of Abode be unknown,) upon any Inmate of the last-mentioned Premises, or if such Premises be unoccupied, then, in case the Notice is required to be served upon the Occupier, (and in case of the Owner also, if his Residence be unknown,) it shall be sufficient to fix the Notice upon some conspicuous Part of the Premises: Provided always, in the Case of Notices to the Owner, that although his Place of Abode be known to the Local Board of Health, yet if it be not within the Limits of their District it shall be sufficient for them to transmit any Notice directed to him by Name, through the Post.

Service of
Notice upon
Local Board;

upon Owners
and Occu-
piers.

CLI. And be it enacted, That no Advertisement inserted or caused to be inserted by the General or Local Board of Health in the *London Gazette* or any Paper or Publication under this Act, or for the Purpose of carrying the same into effect, nor any Deed, Award, Submission, Instrument, Contract, Agreement, or Writing made or executed by the said General or Local Board, their Officers or Servants, under or for the Purposes of this Act, nor any Appointment by the General or Local Board of any Officer or Person under this Act, shall be chargeable with any Stamp Duty whatever; and in case any Vault, Cellar, or underground Room of any House containing, at the Time of the passing of this Act, Seven Windows or Lights only, shall have been let or occupied separately as a Dwelling before the passing of this Act, without any external Window or such an external Window as is required by the Provisions of this Act with respect to the letting and Occupation of Vaults, Cellars, and underground Rooms, and it shall become necessary, by reason of such Provisions, to make such an external Window as is required thereby, in order that such Vault, Cellar, or underground Room may lawfully be let or occupied separately as a Dwelling, the making only of such external Window shall not render any Person liable in respect of such House to the Duties payable for a House having Eight Win-

Exemptions
from Stamp
Duty.

Exemption
from Win-
dow Duty
in certain
Cases.

dows

dows or Lights, anything in any Act of Parliament to the contrary notwithstanding.

Amendment
of Act, &c.

CLII. And be it enacted, That this Act may be amended or repealed by any Act to be passed during this present Session of Parliament.

SCHEDULES to which the foregoing Act refers.

SCHEDULE (A.)

Form of Voting Paper.

District of

No. of Voting Paper.	Name and Address of Voter.	Number of Votes.	
		As Owner.	As Ratepayer.

Directions to the Voter.

The Voter must write his Initials against the Name of every Person for whom he votes, and must sign this Paper.

If the Voter cannot write he must affix his Mark, but such Mark must be attested by a Witness, and such Witness must write the Initials of the Voter against the Name of every Person for whom the Voter intends to vote.

If a Proxy vote he must in like Manner write his Initials, sign his own Name, and state in Writing the Name of the Corporation or Company for whom he is Proxy.

Initials of the Voter against the Names of the Persons for whom he intends to vote.	Names of the Persons nominated.	Residence of the Persons nominated.	Quality or Calling of the Persons nominated.	Names of the Nominators.	Address of the Nominators.
.
.
.
.
.

I vote for the Persons in the above List against whose Names my Initials are placed.

Signed _____
or The Mark of _____
Witness to the Mark.

or _____ Proxy for _____

SCHEDULE (B.)

Form of Mortgage of Rates.

By virtue of the Public Health Act, 1848, the Local Board of Health for the District of _____ in consideration of the Sum of _____ paid to the Treasurer of the said District by *A.B.* of _____ for the Purposes of the said Act, do grant and assign unto the said *A.B.*, his Executors, Administrators, and Assigns, such Proportion of the Rates arising or accruing by virtue of the said Act from [*the Rates mortgaged*] as the said Sum of _____ doth or shall bear to the whole Sum which is or shall be borrowed upon the Credit of the said Rates, to hold to the said *A.B.*, his Executors, Administrators, and Assigns, from the Day of the Date hereof until the said Sum of _____ with Interest at the Rate of _____ per Centum per Annum for the same, shall be fully paid and satisfied: And it is hereby declared that the said Principal Sum shall be repaid on the _____ Day of _____ at [*Place of Payment*]. Dated this _____ Day of _____ One thousand eight hundred and _____.

[*In case of a Noncorporate District, to be signed by Five Members at least of the Local Board of Health, and sealed with their Seal; in case of a Corporate District, to be sealed with the Common Seal.*]

SCHEDULE (C.)

Form of Transfer of Mortgage.

I *A. B.* of _____ in consideration of the Sum of _____ paid to me by *C.D.*, of _____ do hereby transfer to the said *C.D.*, his Executors, Administrators, and Assigns, a certain Mortgage bearing Date the _____ Day of _____ and made by the Local Board of Health for the District of _____ for securing the Sum of _____ and Interest thereon at _____ per Centum per Annum [*or if such Transfer be by Endorsement on the Mortgage, insert, instead of the Words immediately following the Word "Assigns," the within Security*], and all my Right, Estate, and Interest in and to the Money thereby secured, and in and to the Rates thereby assigned. In witness whereof I have hereunto set my Hand and Seal, this _____ Day of _____ One thousand eight hundred and _____.

A.B. (L.S.)

SCHEDULE (D.)

Form of Distress Warrant.

To *A.B.*, Collector of Rates, and to all Constables and Peace Officers.
 County of _____ } WHEREAS Complaint hath been duly made by *A.B.*,
 [*or Borough, &c.*] } One of the Collectors for the District of _____
 to wit. } under and by virtue of the Public Health Act,
 1848, that *C.D.* of, &c., hath not paid and hath refused to pay the Sum _____

Sum of _____ duly assessed upon him in and by a certain Rate
 bearing Date on or about the _____ Day of _____ in the
 Year of our Lord One thousand eight hundred and _____
 although the same hath been duly demanded of him : And whereas it
 appears to me *E.F.*, Esquire, One of Her Majesty's Justices of the
 Peace in and for the said County [*or Borough, &c.*], as well upon the
 Oath of the said *A.B.* as otherwise, that the said Sum of _____
 hath been duly demanded in Writing by him from the said *C.D.*, and
 that the said _____ hath refused to pay the same for the Space of
 Fourteen Days after such Demand made, and doth refuse to pay the
 same : And whereas the said *C.D.* hath been duly summoned to
 appear before me to show Cause why the said Sum should not be
 paid by him, and not having shown to me any sufficient Cause why
 the same should not be paid, These are therefore, in Her Majesty's
 Name, to command you to levy the said Sum of _____ and also
 the Sum of _____ the Costs of proceeding to obtain this Warrant,
 by Distress and Sale of the Goods and Chattels of the said *C.D.*, and
 your reasonable Charges of taking, keeping, and selling the said Dis-
 tress, rendering to him the Overplus (if any), on Demand ; and if
 sufficient Distress cannot be found of the Goods and Chattels of the
 said *C.D.*, that then you certify the same to me, together with this
 Warrant, to the end that such further Proceedings may be had therein
 as to the Law doth appertain.

Given under my Hand and Seal, the _____
 in the Year of our Lord _____

Day of _____

(Signed) *E.F.* (L.S.)

SCHEDULE (E.)

Form of Conviction.

County of _____ } BE it remembered, That on the _____ Day of
 [*or Borough, &c.*] } in the Year of our Lord _____
 to wit. } *A.B.* is convicted before me [*or us*]
 One [*or Two*] of Her Majesty's Justices of the Peace in and for the
 County [*or Borough, &c.*] of _____ [*here describe the Offence*
generally, and the Time and Place when and where committed, in the
Words of this Act, or as near thereunto as may be], contrary to the
 Public Health Act, 1848 ; and I [*or we*] do adjudge that the said
A.B. hath forfeited for his said Offence the Sum of [*Amount of*
Penalty adjudged], and that he do pay to *C.D.* the further Sum
 of _____ as and for his Costs in this Behalf.

Given under my Hand and Seal [*or our Hands and Seals*], the Day
 and Year first above written.

(Signed)

(L.S.)
 (L.S.)

SCHE-

SCHEDULE (F.)

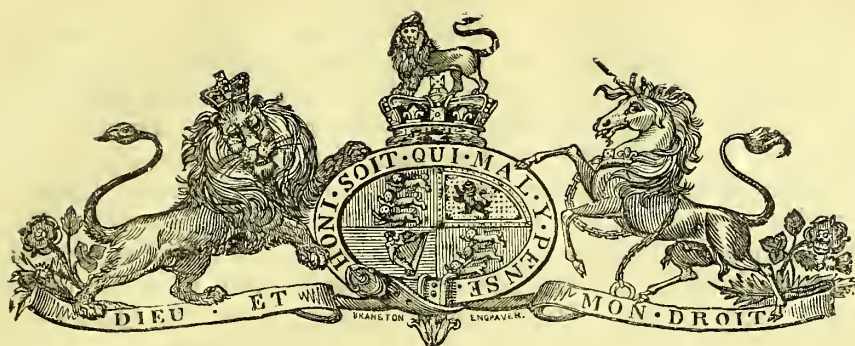
Form of Order to permit Execution of Works by Owners.

County of
[or Borough, &c.] } WHEREAS Complaint hath been made to me, *E.F.*
to wit. } Esquire, One of Her Majesty's Justices of the
Peace in and for the County [or Borough, &c.]
of by *A.B.*, Owner, within the Meaning of the Public
Health Act, 1848, of certain Premises, to wit, a House [as the Case
may be] situate in Street [as the Case may be] in the
Parish of in the said County [or Borough, &c.], that *C.D.*,
the Occupier of the said Premises, doth prevent the said *A.B.* from
obeying and carrying into effect the Provisions of the said Act in this,
to wit, that he the said *C.D.* doth prevent the said *A.B.* from [here
describe the Works generally, according to Circumstances, for instance,
thus : constructing and laying down, in connexion with the said House,
a covered Drain, so as to communicate with a [Sewer or Drain] of the
Local Board of Health of the District of [or a Sewer, &c.
which the Local Board of Health of the District of are
entitled to use, as the Case may require], such Sewer being within
One hundred Feet of the said House]: And whereas the said *C.D.*,
having been duly summoned to answer the said Complaint, and not
having shown sufficient Cause against the same, and it appearing to
me that the said Works are necessary for the Purpose of enabling the
said *A.B.* to obey and carry into effect the Provisions of the said Act,
I do hereby order that the said *C.D.* do permit the said *A.B.* to
execute the same in the Manner required by the said Act.

Given under my Hand and Seal, this Day of
in the Year of our Lord One thousand eight hundred and
E.F. (L.S.)

LONDON:

Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1871.



ANNO UNDECIMO & DUODECIMO

VICTORIÆ REGINÆ.

C A P. CXI.

An Act to amend an Act of the Tenth Year of Her present Majesty, for amending the Laws relating to the Removal of the Poor.

[4th September 1848.]

WHEREAS by an Act passed in the Tenth Year of the Reign of Her Majesty, intituled *An Act to amend the Laws relating to the Removal of the Poor*, after reciting that it was expedient that the Laws relating to the Removal of the Poor should be amended, it was enacted, that from and after the passing of that Act no Person should be removed nor should any Warrant be granted for the Removal of any Person from any Parish in which such Person should have resided for Five Years next before the Application for the Warrant: Provided always, that the Time during which such Person should be a Prisoner in a Prison, or should be serving Her Majesty as a Soldier, Marine, or Sailor, or reside as an In-Pensioner in *Greenwich* or *Chelsea* Hospitals, or should be confined in a Lunatic Asylum, or House duly licensed or Hospital registered for the Reception of Lunatics, or as a Patient in a Hospital, or during which any such Person should receive Relief from any Parish, or should be wholly or in part maintained by any Rate or Subscription raised in a Parish in which such Person does not reside, not being a *bonâ fide* charitable Gift, should for all Purposes be excluded in the Computation of Time therein

9 & 10 Vict. c. 66.

13 B

Repealing
Proviso in
9 & 10 Vict.
c. 66. in
relation to
Removal of
Wives and
Children, and
substituting
another Pro-
viso in lieu
thereof.

Not to affect
Appeals of
which Notice
has been
given.

therein-before mentioned, and that the Removal of a Pauper Lunatic to a Lunatic Asylum under the Provisions of any Act relating to the Maintenance and Care of Pauper Lunatics should not be deemed a Removal within the Meaning of that Act: Provided always, that whenever any Person should have a Wife or Children having no other Settlement than his or her own, such Wife and Children should be removable whenever he or she is removable, and should not be removable when he or she is not removable: And whereas by Reason of the Generality of the Expressions used in the last Proviso Doubts are entertained as to the Meaning thereof, and it is desirable to remove such Doubts: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said last Proviso be repealed, and that instead thereof the following be enacted: Provided always, that whenever any Person should have a Wife or Children having no other Settlement than his or her own, such Wife and Children should be removable from any Parish or Place from which he or she would be removable, notwithstanding any Provisions of the said recited Act, and should not be removable from any Parish or Place from which he or she would not be removable by reason of any Provision in the said recited Act.

II. And be it enacted, That nothing herein contained shall affect any Appeal of which Notice shall have been given before the passing of this Act.

LONDON: Printed by GEORGE E. EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1848.



ANNO UNDECIMO & DUODECIMO

VICTORIÆ REGINÆ.

C A P. CXXIII.

An Act to renew and amend an Act of the Tenth Year of Her present Majesty, for the more speedy Removal of certain Nuisances, and the Prevention of contagious and epidemic Diseases.

[4th September 1848.]

WHEREAS an Act passed in the Tenth Year of Her Majesty's Reign, for the more speedy Removal of certain Nuisances, and to enable the Privy Council to make Regulations for the Prevention of contagious and epidemic Diseases, will expire at the End of the present Session of Parliament; and it is necessary that other Provision should be made in lieu thereof: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That in *England* and *Ireland*, upon Receipt (or as soon afterwards as can be) by the Town Council, or by any Trustees or Commissioners for the Drainage, paving, lighting, or cleansing, or managing or directing the Police of any City, Town, Borough, or Place, or by any other Body of a like Nature, or by any Commissioners of Sewers or Guardians of the Poor, or in *Ireland* by the Officers of Health of any Parish, of a Notice in Writing in the Form contained in the Schedule (A.) to this Act annexed, or to

9 & 10 Viet.
c. 96.

the filthy Con-

In England and Ireland certain public Bodies, upon Receipt of Notice in Writing from Two Household-ers, of the filthy Con-

dition of any Building, or of the Existence of certain Nuisances, to cause Examination to be made ;

and if upon such Examination, or a Medical Certificate, it appear that the Nuisance, &c. exists, public Body to make Complaint before a Justice, who shall summon the Owner or Occupier to appear before Two Justices ;

and who shall, upon Proof, &c.,

the like Effect, signed by Two or more inhabitant Householdors of the Parish or Place to which the Notice relates, stating that, to the best of the Knowledge and Belief of the Persons by whom such Notice is signed, any Dwelling House or Building in any City, Town, Borough, Parish, or Place within or over which the Jurisdiction or Authority of the Town Council, Trustees, Commissioners, Guardians, Officers of Health, or other Body to whom such Notice is given, extends, is in such a filthy and unwholesome Condition as to be a Nuisance to or injurious to the Health of any Person, or that upon any Premises within such Jurisdiction or Authority there is any foul and offensive Ditch, Gutter, Drain, Privy, Cesspool, or Ashpit, or any Ditch, Gutter, Drain, Privy, Cesspool, or Ashpit kept or constructed so as to be a Nuisance to or injurious to the Health of any Person, or that upon any such Premises Swine, or any Accumulation of Dung, Manure, Offal, Filth, Refuse, or other Matter or Thing, are or is kept so as to be a Nuisance to or injurious to the Health of any Person, or that upon any such Premises (being a Building used wholly or in part as a Dwelling House), or being Premises underneath any such Building, any Cattle or Animal are or is kept so as to be a Nuisance to or injurious to the Health of any Person, such Town Council, Trustees, Commissioners, Guardians, Officers of Health, or other Body, or some Committee thereof which may be temporarily or permanently appointed in this Behalf by such Town Council, Trustees, Commissioners, Guardians, Officers of Health, or other Body, shall, after Twenty-four Hours Notice in Writing, by delivering the same to some Person on the Premises referred to in such first-mentioned Notice, or (if there be no Person upon the Premises who can be so served) by fixing the same upon some conspicuous Part of such Premises, (or in case of Emergency without Notice,) by themselves, their Servants or Agents, with or without Medical or other Assistants, enter such Premises, and examine the same with respect to the Matters alleged in such first-mentioned Notice, and do all such Works, Matters, and Things as may be necessary for that Purpose; and if upon such Examination, or upon the Certificate in Writing of Two legally qualified Medical Practitioners, it appear that any Dwelling House or Building so examined is in such a filthy and unwholesome Condition as aforesaid, or that upon any Premises so examined there is any such Ditch, Gutter, Drain, Privy, Cesspool, Ashpit, Swine, Cattle, or Animal, or any such Accumulation or other Matter or Thing as aforesaid, such Town Council, Trustees, Commissioners, Guardians, Officers of Health, or other Body, or such Committee, shall make or cause to be made Complaint before a Justice, who shall thereupon issue a Summons (which may be according to the Form contained in the Schedule (B.) to this Act annexed, or to the like Effect,) requiring the Owner or Occupier of the Premises examined to appear before Two Justices to answer such Complaint; and such Summons shall be served by delivering the same, or a true Copy thereof, to some Person upon the Premises in respect whereof Complaint is made, or (if there be no Person upon the Premises who can be so served) by fixing such Summons or Copy upon some conspicuous Part of such Premises; and if at the Time and Place appointed by such Summons it be proved to the Satisfaction of such Justices that any Dwelling

Dwelling House or Building in respect whereof Complaint is made is in such a filthy and unwholesome Condition as aforesaid, or that any such Cause or Causes of Complaint as aforesaid exists or exist, and (in case such Owner or Occupier do not appear) that such Summons or Copy was served as aforesaid, such Justices shall make an Order in Writing under their Hands and Seals, (which Order may be according to the Form contained in the Schedule (C.) to this Act annexed, or to the like Effect,) for cleansing, whitewashing, or purifying such Dwelling House or Building, or for the Removal or Abatement of any such Cause or Causes of Complaint, in such Manner and within such Time as shall be specified in such Order (not being more than Two clear Days, exclusive of *Sunday*, after Service of such Order as herein-after directed); and such Order shall be forthwith served by delivering the same or a true Copy thereof to some Person upon the Premises in respect whereof it is made, or (in case there be no Person upon the Premises who can be so served) by fixing such Order or Copy upon some conspicuous Part of such Premises; and if such Order be not complied with the Owner or Occupier against whom it is made shall be liable to a Penalty not exceeding Ten Shillings for every Day during the Continuance of his Default, and the Town Council, Trustees, Commissioners, Guardians, Officers of Health, or other Body mentioned therein, shall, by themselves, their Servants or Agents, or by such Committee as aforesaid, their Servants or Agents, enter such last-mentioned Premises, and cleanse, whitewash, or purify the same, or remove or abate the Cause or Causes of Complaint in respect whereof the said Order shall have been made, and do all such Works, Matters, and Things as may be necessary for carrying such Order into effect; and any Dung, Manure, Offal, Filth, or Refuse, and any other Matter or Thing removed by any such Town Council, Trustees, Commissioners, Guardians, Officers of Health, or other Body as aforesaid, in pursuance of this Enactment, may be destroyed or sold, and in case of Sale the Proceeds arising therefrom shall be paid to or (as the Case may require) be retained by the Guardians of the Poor, and shall be by them applied in aid of the Rate for the Relief of the Poor of the Parish, Electoral Division, or Place in which such Removal shall have been made.

order him to whitewash, &c., or remove the Nuisance complained of;

and if such Order be not complied with, the Owner or Occupier in default to be liable to Penalties, and public Body to enter the Premises, and do the Works ordered, or remove the Nuisance.

II. And be it enacted, That in *Scotland*, upon or as soon as can be after Notice in Writing in the Form contained in the Schedule (A.) to this Act annexed, or to the like Effect, signed by Two or more of the inhabitant Householders of the Parish or Place to which the Notice relates, made to the Procurator Fiscal of any County, or the Procurator Fiscal or the Dean of Guild of any Royal Burgh, or the Procurator Fiscal of the Justices of the Peace of any County, or the Commissioners of Police, or Trustees for paving, lighting, or cleansing any City, Town, Burgh, Parish, or Place, or the Inspector of the Poor of any Parish, stating that any Dwelling House or Building within any Royal Burgh, or in any City, Town, Burgh, Parish, or Place, within or over which the Jurisdiction or Authority of any such Procurator Fiscal, or of such Dean of Guild, or Commissioners of Police, or Trustees for paving, lighting, or cleansing, or Inspector of the Poor, extends, is in such a filthy and unwholesome Condition as to be a Nuisance to or injurious to the Health of any Person,

In Scotland certain public Officers, upon Receipt of Notice in Writing from Two Householders of the filthy Condition of any Building, or of the Existence of certain Nuisances, to cause Examination to be made;

Person, or that upon any Premises within such Jurisdiction or Authority there is any foul and offensive Drain, Ditch, Gutter, Privy, Cesspool, or Ashpit, or any Drain, Ditch, Gutter, Privy, Cesspool, or Ashpit kept or constructed so as to be a Nuisance to or injurious to the Health of any Person, or that upon any such Premises Swine, or any Accumulation of Dung, Manure, Offal, Filth, Refuse, or other Matter or Thing, are or is kept so as to be a Nuisance to or injurious to the Health of any Person, or that upon any such Premises (being a Building used wholly or in part as a Dwelling House), or being Premises underneath any such Building, any Cattle or Animal are or is kept so as to be a Nuisance to or injurious to the Health of any Person, it shall be competent to any such Procurator Fiscal or Dean of Guild, or the proper Officer of such Commissioners of Police or Trustees, or such Inspector of the Poor, respectively, after Twenty-four Hours from the giving Notice in Writing by Service thereof upon some Person on the Premises referred to in such first-mentioned Notice, or (if there be no Person upon the Premises who can be so served) by fixing the same upon some conspicuous Part of such Premises, or in case of Emergency without Notice, by himself or others acting under his Authority, with or without Medical or other Assistants, to enter such Premises, and examine the same with respect to the Matters alleged in such first-mentioned Notice, and do all such Works, Matters, and Things as may be necessary for that Purpose; and if upon such Examination, or upon the Certificate in Writing of Two legally qualified Medical Practitioners, it appear that any Dwelling House or Building so examined is in such a filthy and unwholesome Condition as aforesaid, or that upon any Premises so examined there is any such Drain, Ditch, Gutter, Privy, Cesspool, Ashpit, Swine, Cattle, or Animal, or any such Accumulation, or other Matter or Thing, as aforesaid, such Procurator Fiscal, Dean of Guild, Officer, or Inspector shall make or cause to be made Complaint to the Sheriff or Magistrates or a Justice, who shall thereupon order the Owner or Occupier of the Premises examined to appear before such Sheriff or Magistrates or Two Justices to answer such Complaint; and such Order shall be served by delivering the same, or a true Copy thereof, to some Person upon the Premises in respect whereof Complaint is made, or (if there be no Person upon the Premises who can be so served) by fixing such Order or Copy upon some conspicuous Part of such Premises; and if at the Time and Place appointed by such Order it be proved to the Satisfaction of such Sheriff or Magistrates or Justices that any Dwelling House or Building in respect whereof Complaint is made is in such a filthy and unwholesome Condition as aforesaid, or that any such Cause or Causes of Complaint as aforesaid exists or exist, and (in case such Owner or Occupier do not appear) that such Order or Copy was served as aforesaid, such Sheriff or Magistrates or Justices shall make an Order in Writing under their Hands (which Order may be according to the Form contained in the Schedule (C.) to this Act annexed, or to the like Effect,) for cleansing, whitewashing, or purifying such Dwelling House or Building, or for the Removal or Abatement of any such Cause or Causes of Complaint, in such Manner and within such Time as shall be specified in such Order

and if upon such Examination or a Medical Certificate it appear that the Nuisance exists, public Body to make Complaint before the Sheriff or a Justice, who shall order the Owner or Occupier to appear;

and upon Proof, &c., whitewashing, &c. or Removal of the Nuisance complained of, to be ordered.

(not

(not being more than Two clear Days, exclusive of *Sunday*, after Service of such Order), and such last-mentioned Order shall be forthwith served by delivering the same, or a true Copy thereof, to some Person upon the Premises in respect whereof it is made, or in case there be no Person upon the Premises who can be so served, by fixing such Order or Copy upon some conspicuous Part of such Premises; and if such Order be not complied with, the Owner or Occupier against whom it is made shall be liable to a Penalty not exceeding Ten Shillings for every Day during the Continuance of his Default, and the Procurator Fiscal or Dean of Guild, or proper Officer of the Commissioners of Police, or Trustees or Inspectors of the Poor respectively, shall, by themselves or others acting under their Authority, enter such last-mentioned Premises, and cleanse, whitewash, or purify the same, or remove or abate the Cause or Causes of Complaint in respect whereof the said last-mentioned Order shall have been made, and do all such Works, Matters, and Things as may be necessary for carrying such Order into effect, and any Dung, Manure, Offal, Filth, or Refuse, and any other offensive or noxious Matter or Thing removed in pursuance of this Enactment, may be destroyed or sold, and in case of Sale the Proceeds arising therefrom shall be paid to or (as the Case may require) be retained by the Parochial Board for the Management of the Poor, and shall be by them applied in aid of the Funds for the Relief of the Poor of the Parish or Place in which such Removal shall have been made.

If such last-mentioned Order be not complied with, Owner or Occupier in default to be liable to Penalties, and the public Officers to enter Premises, and do the Works ordered, or remove the Nuisance.

III. And be it enacted, That whenever any such Order as aforesaid for cleansing, whitewashing, or purifying any Dwelling House or Building, or for the Removal or Abatement of any such Cause or Causes of Complaint as aforesaid, has been obtained, all Costs and Expenses reasonably incurred in obtaining such Order, or in carrying the same into effect, shall be deemed to be Money paid for the Use and at the Request of the Owner or Occupier of the Premises in respect whereof such Costs and Expenses shall have been incurred, and may be recovered as such by the said Town Councils, Trustees, Commissioners, Guardians, Officers of Health, or other Body, or by the said Procurators Fiscal, Deans of Guild, Commissioners of Police, or Trustees and Inspectors of the Poor respectively, as such, in any County Court, Civil Bill Court, or (in *Scotland*) before the Sheriff or Magistrates or Justices of the Peace; or such Town Council, Magistrates, Trustees, Commissioners, Guardians, Officers of Health, or other Body, or Procurators Fiscal, Deans of Guild, or Inspectors of the Poor, may, if they shall think fit, recover such Costs and Expenses before Two Justices, or, in *Scotland*, before the Sheriff or Magistrates or Two Justices, from the Owner or Occupier of the Premises in respect of which such Order is made; and any Two Justices, or, in *Scotland*, the Sheriff or Magistrates or any Two Justices, upon the Application of any such Town Council, Magistrates, Trustees, Commissioners, Guardians, Officers of Health, or other Body, or Procurator Fiscal, Dean of Guild, or Inspector of the Poor, shall issue a Summons, or, in *Scotland*, an Order, requiring such Owner or Occupier to appear before them, or before him or them, at a Time and Place to be named therein; and at the Time and Place so named, upon Proof to the Satisfaction of

Recovery of Costs, &c. from Owner or Occupier of the Premises.

such Justices, or such Sheriff or Magistrates or Justices, that any such Costs and Expenses have been so incurred as aforesaid, and (in case such Owner or Occupier do not appear) that a Copy of such last-mentioned Summons or Order was served by delivering the same to some Person on the Premises in respect of which the Costs and Expenses were incurred, or, if there be no Person upon the Premises who can be so served, by fixing the same upon some conspicuous Part of such Premises, such Justices, or such Sheriff or Magistrates or Justices, unless they think fit to excuse the Party summoned upon the Ground of Poverty or other special Circumstances, shall, by Order in Writing, in *England* or *Ireland* under the Hands and Seals of such Justices, or, in *Scotland*, under the Hands of such Sheriff or Magistrates or Justices, order him to pay the Amount to the Applicants, together with the Costs attending such Application, and the Proceedings thereon; and if the Amount be not paid within Seven Days after Demand, the same may, by Warrant under the Hands and Seals of the same or any other Two Justices, or, in *Scotland*, under the Hands of the Sheriff or Magistrates or Justices, by whom the last-mentioned Order shall have been made, or any other Two Justices, be levied by Distress and Sale of the Goods and Chattels of the Owner or Occupier in default; and if no Distress sufficient to satisfy the same can be found within the Jurisdiction of the Justices, or of the Sheriff or Magistrates or Justices, by whom such Warrant shall have been issued, and it so appear upon Oath before Two Justices, or, in *Scotland*, before the Sheriff or Magistrates or Two Justices, of any other County or Jurisdiction in which any Goods or Chattels of the Defaulter may be, such last-mentioned Justices, or Sheriff or Magistrates or Justices, shall indorse their or his Signatures or Signature upon the last-mentioned Warrant, and thereupon the Amount to be levied, or so much thereof as may be unsatisfied, shall be levied of the last-mentioned Goods and Chattels, in the same Manner as if such Warrant had been originally and properly issued by the Justices, or by the Sheriff or Magistrates or Justices, of such last-mentioned County or Jurisdiction.

Certain Ex-
penses of
this Act to be
defrayed out
of Poor's
Rates, &c.

IV. And be it enacted, That all Costs and Expenses reasonably incurred as aforesaid in carrying into effect any of the Provisions herein-before contained, and not recovered from any Owner or Occupier of the Premises in respect of which such Expenses shall have been incurred, shall upon an Order in Writing, specifying the Sum to be paid, under the Hands and Seals of Two Justices, or, in *Scotland*, under the Hands of the Sheriff or Magistrates or Two Justices, (who are hereby required to make such Order, upon proper Application in this Behalf,) be retained, paid, or defrayed by the Treasurer of such Guardians or Parochial Board, or by the Overseers of the Poor, or other proper Officers or Persons, out of the Funds in their Hands, applicable to the Relief of the Poor, and shall be charged to the Parish, Electoral Division, or Place maintaining its own Poor in which the Premises in respect whereof such Costs and Expenses shall have been so incurred are situated, and in other Places in *England* or *Ireland* out of any public Rates or Funds raised in such Places, or applicable thereto under the Authority of Parliament, or in case there be no such Rates or Funds as last aforesaid, then out of the Funds for the Relief

Relief of the Poor of the Parish, Electoral Division, or Place nearest adjoining, or if there be Two or more Parishes or Places nearest adjoining, out of the Funds for the Relief of the Poor of such One of them as Two Justices shall, by Order in Writing under their Hands and Seals, appoint; and in case any such Costs or Expenses shall have been incurred on account or in respect of any Parish in *Scotland* in which it shall happen that there is not at the Time an Assessment for the Relief of the Poor imposed or levied, then the same shall be paid or defrayed out of an Assessment to be imposed and levied for that Purpose, and to the Extent necessary, under and in the Manner provided by an Act of the Ninth Year of Her Majesty's Reign, for the Amendment and better Administration of the Laws relating to the Relief of the Poor in *Scotland*, and if any such Treasurer, Overseers, or Officers or Persons, neglect or refuse to pay the Sum specified in any Order of Justices, or of any Sheriff or Magistrates, made under this Enactment, for the Space of Twenty-one Days after the Date of such Order, the same may, by Warrant under the Hands and Seals of the same or any other Two Justices, or, in *Scotland*, under the Hands of the Sheriff or Magistrates or any Two Justices, by whom such Order shall have been made, or any other Two Justices, be levied by Distress and Sale, together with the Costs of such Distress and Sale of the Goods and Chattels of the Treasurer, Overseers, or other Officers or Persons in default.

8 & 9 Vict.
c. 83.

V. Provided always, and be it enacted, That nothing herein-before contained shall apply to any District, Parish, or Place in which the Public Health Act, 1848, or any Part thereof, shall be in force, unless and except in so far as the General Board of Health, by Order in Writing, sealed with the Seal of such Board, and signed by Two or more Members thereof, or (in case there be no such Board in existence) as One of Her Majesty's Principal Secretaries of State, by Order in Writing under his Hand, shall otherwise direct: Provided also, that nothing in this Act shall be construed to impair, abridge, or take away any Power, Jurisdiction, or Authority which may at any Time be vested in any Commissioners of Sewers, or to take away or interfere with any Course of Proceeding which might be resorted to or adopted by such Commissioners if this Act had not been passed.

Above Provisions not to apply to Districts and Places in which the Public Health Act is in force.

Jurisdiction of Commissioners of Sewers not to be impaired.

VI. And whereas by an Act passed in the Sixth Year of the Reign of King *William* the Fourth, for consolidating and amending the Laws relating to Highways in *England*, the Surveyor and District Surveyor or Assistant Surveyor therein mentioned are empowered to scour, cleanse, and keep open all Ditches, Gutters, Drains, or Watercourses; and by an Act passed in the Ninth Year of Her Majesty's Reign, for amending the Laws concerning Highways, Bridges, and Ferries in *Scotland*, the Trustees or Surveyors therein mentioned are empowered to cleanse the Ditches made or to be made along the Sides of any Highway, in case of the Neglect or Refusal of the Proprietor or Occupier to cleanse such Ditches when duly required so to do by such Trustees or Surveyors; and with a view to the more effectual Removal of Nuisances injurious to Health it is expedient that such Surveyor, District Surveyor, or Assistant Surveyor,

Surveyor of Highways required to cleanse open Ditches adjoining Highways, &c.
5 & 6 W. 4.
c. 50.
8 & 9 Vict.
c. 41.

Surveyor, Trustees or Surveyors, should not only be empowered but required to scour, cleanse, and keep clear, or cause to be scoured, cleansed, and kept clear, as far as may be practicable, all open Ditches, Gutters, Drains, and Watercourses upon, adjoining, or by or along the Sides of any Highway: Be it therefore enacted, That the said Surveyor, or District or Assistant Surveyor, Trustees or Surveyors, shall scour, cleanse, and keep clear, or cause to be scoured, cleansed, and kept clear, as far as may be practicable, all open Ditches, Gutters, Drains, and Watercourses upon, adjoining, or by or along the Sides of any Highway; and any Sewage, Drainage, Soil, Filth, or other Matter or Thing whatsoever which shall be removed by any such Surveyor, District or Assistant Surveyor, Trustees or Surveyors, from any such Ditch, Gutter, Drain, or Watercourse, in scouring, cleansing, and keeping clear the same, shall be disposed of by such Surveyor, Assistant or District Surveyor, Trustees or Surveyors, and the Proceeds arising therefrom shall be applied towards the Repair of the Highway within the Parish or Place in which such Removal shall have taken place; and the Provisions herein-before contained with respect to Ditches, Gutters, Drains, and Watercourses upon, adjoining, or by or along the Sides of Highways, shall, in so far as the same relate to *England*, be deemed to be Part of the said Act relating to Highways in *England*, and in so far as the same relate to *Scotland* shall be deemed to be Part of the said Act relating to Highways in *Scotland*.

Drainage
into open
Ditches
from new
Houses a
Misdemeanor, &c.

VII. And be it enacted, That whosoever shall suffer any Sewage, Drainage, Soil, Filth, or any Matter or Thing of a noxious or offensive Nature, to run or flow into or to remain in any open Ditch, Gutter, Drain, or Watercourse, so as to be a Nuisance to or injurious to the Health of any Person, from any Dwelling House, Building, or other Premises which shall not have been occupied before the passing of this Act, or from any Privy or Watercloset which shall not have been constructed before that Time, shall be deemed guilty of a Misdemeanor, or, in *Scotland*, of an Offence punishable by Fine or Imprisonment, and shall, in addition, be liable for every such Offence to a Penalty not exceeding Five Pounds for every Day during which the Offence is continued.

Notice to be
given to
General
Board of
Health, and
in Ireland to
Commissioners
of Health,
of Intention
to build or
open certain
Hospitals,
&c.

VIII. And be it enacted, That whenever it is intended to build or open any Hospital for the Reception of Patients afflicted with contagious or infectious Diseases or Disorders, the Trustees or other Persons by whose Authority such Hospital is intended so to be built or opened as aforesaid shall give Notice of such Intention to the said General Board of Health, or (in *Ireland*) to the Commissioners of Health herein-after mentioned; and no such Hospital shall be built or opened as aforesaid until the said General Board of Health or Commissioners of Health, as the Case may be, have approved thereof in Writing; but nothing herein contained shall apply to the building or opening of any Addition to a Building which shall have been used as a Hospital previously to such Addition.

Privy
Council, &c.
empowered

IX. And whereas it is expedient that when any Part of the United Kingdom shall appear to be threatened with or affected by any

any formidable epidemic, endemic, or contagious Disease, Measures of Precaution should be taken with Promptitude, according to the Exigency of the Case : Be it therefore enacted, That in *Great Britain* the Lords and others of Her Majesty's Most Honourable Privy Council, or any Three or more of them, (the Lord President of the Council, or One of Her Majesty's Principal Secretaries of State, being One,) and in *Ireland* the Lord Lieutenant or other Chief Governor or Governors and Privy Council of *Ireland*, may by Order or Orders to be by them from Time to Time made, direct that the Provisions hereinafter contained for the Prevention of epidemic, endemic, and contagious Diseases be put in force in *Great Britain* and *Ireland* respectively, or in such Parts thereof or in such Places therein respectively as in such Order or Orders respectively may be expressed, and may from Time to Time, as to all or any of the Parts or Places to which any such Order or Orders may extend, and in like Manner, revoke or renew any such Order, and, subject to Revocation and Renewal as aforesaid, every such Order shall be in force for Six Calendar Months, or for such shorter Period as in such Order shall be expressed.

to issue Orders for putting in force the Provisions of this Act relative to the Prevention of epidemic Diseases, &c.

X. And be it enacted, That from Time to Time after the issuing of any such Order as last aforesaid, and whilst the same shall continue in force, the General Board of Health (in *Great Britain*), under the Seal of the said Board, and the Hands of Two or more Members thereof, and in *Ireland* the Commissioners of Health for the Time being, under the Hands of Two or more of them, may issue such Directions and Regulations as the said Board or last-mentioned Commissioners (as the Case may be) shall think fit for the Prevention, as far as possible, or Mitigation, of such epidemic, endemic, or contagious Diseases, and from Time to Time, in like Manner, revoke, renew, and alter any such Directions or Regulations, or substitute such new Directions and Regulations, as to the said Board or last-mentioned Commissioners may appear expedient; and the said Board or last-mentioned Commissioners, as the Case may be, may by such Directions and Regulations provide for the frequent and effectual cleansing of Streets and public Ways and Places by the Surveyors, District or Assistant Surveyors of Highways, Trustees, County Surveyors, and others by Law intrusted with the Care and Management thereof, or by the Owners and Occupiers of Houses and Tenements adjoining thereto, and for the cleansing, purifying, ventilating, and disinfecting of Houses, Dwellings, Churches, Buildings, and Places of Assembly, by the Owners or Occupiers and Persons having the Care and ordering thereof, for the Removal of Nuisances, for the speedy Interment of the Dead, and generally for preventing or mitigating such epidemic, endemic, or contagious Diseases in such Manner as to the said Board or last-mentioned Commissioners (as the Case may be) may seem expedient; and the said Board or last-mentioned Commissioners may by any such Directions and Regulations authorize and require the Guardians of the Poor in *England* and *Ireland*, and the Parochial Boards for the Management of the Poor in *Scotland*, by themselves or their Officers, or any Persons employed by them in the Administration of the Laws for the Relief of the Poor, or by Officers specially appointed in this Behalf to superintend and see to the Execution

After Order by Privy Council, General Board of Health, &c. may issue Directions and Regulations.

of any such Directions and Regulations, and (where it shall appear that there may be Default or Delay in the Execution thereof, by Want or Neglect of such Surveyors, Trustees, or others intrusted as aforesaid, or by reason of Poverty of Occupiers, or otherwise,) to execute or aid in executing the same within their respective Unions and Parishes and Combinations, and in any Extra-parochial Places adjoining to or surrounded by the same in which the Directions and Regulations of the said Board or last-mentioned Commissioners shall not be executed by the Inhabitants, and to provide for the dispensing of Medicines, and for affording to Persons afflicted by or threatened with such epidemic, endemic, or contagious Diseases such Medical Aid as may be required, and to do and provide all such Acts, Matters, and Things as may be necessary for superintending or aiding in the Execution of such Directions and Regulations, or for executing the same, as the Case may require; and the Directions and Regulations to be issued as aforesaid shall extend to all Parts or Places in which the Provisions of this Act for the Prevention of epidemic, endemic, or contagious Diseases shall for the Time being be put in force under such Orders as aforesaid, unless such Directions and Regulations shall be expressly confined to some of such Parts or Places, and then to such Parts or Places as in such Directions and Regulations shall be specified, and (subject to the Power of Revocation and Alteration herein contained) shall continue in force so long as the said Provisions of this Act shall be in force, under such Orders, in the Parts or Places to which such Directions and Regulations shall under this Provision extend: Provided always, that if at any Time in *Ireland* there shall not be any Commissioners of Health the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, by his or their Warrants, may appoint so many Persons as he or they may think fit, not being more in Number than Five, to act as Commissioners of Health in *Ireland*, without Salary, Fee, or Reward, and may from Time to Time remove any of such Commissioners, and appoint any other Person in his Stead; and such Commissioners shall for all Purposes be Commissioners of Health in *Ireland* within the Meaning and for the Purposes of this Act.

One Medical Member of General Board of Health may be appointed.

Treasury to pay Allowances appointed by Parliament.

Poor Law Commissioners, &c. may compel Guardians, &c. to exe-

XI. And be it enacted, That Her Majesty may from Time to Time, during the Continuance of any Order of Her Majesty's Privy Council or of any Members thereof as aforesaid, by Warrant under the Royal Sign Manual, appoint, in addition to the Members for the Time being of the General Board of Health, One fit Person to be a Medical Member of such Board for the Purposes of this Act, and Her Majesty may, at Her Pleasure, remove any Person so appointed; and there shall be paid to the Person or Persons so appointed such Allowance or Allowances as shall be appointed by the Commissioners of Her Majesty's Treasury, out of any Monies which may from Time to Time be appointed by Parliament for that Purpose.

XII. And be it enacted, That the Commissioners for administering the Laws for the Relief of the Poor in *England* and *Ireland* respectively, and the Board of Supervision established under the said Act for the Amendment and better Administration of the Laws relating to the Relief of the Poor in *Scotland*, may require the Officers and Persons

Persons acting under them to inquire into, superintend, and report on the Execution of the Directions and Regulations of the General Board of Health, or Commissioners of Health, as the Case may be, under this Act, and shall have the same Powers for enforcing and directing the Execution of such Directions and Regulations by the said Guardians and Parochial Boards respectively as they now or may hereafter have in relation to any Matter concerning the Administration of the Laws for the Relief of the Poor.

XIII. And be it enacted, That the said Guardians and Parochial Boards acting in the Execution of any such Directions or Regulations as aforesaid, or the Officers or Persons by them in this Behalf authorized, at reasonable Times in the Daytime, may and they are hereby empowered to enter and inspect any Dwelling or Place, if there be Ground for believing that any Person may have recently died of any such epidemic, endemic, or contagious Disease in any such Dwelling or Place, or that there is any Filth or other Matter dangerous to Health therein or thereupon, or that Necessity may otherwise exist for executing, in relation to the Premises, all or any of such Directions and Regulations as aforesaid.

XIV. And be it enacted, That the said Guardians and Parochial Boards may appoint or employ, for the Superintendence and Execution of the said Directions and Regulations, Officers or Persons in aid of the Officers or Persons employed in the Administration of the Laws for the Relief of the Poor; and such Guardians and Parochial Boards respectively shall defray the Expenses incurred by them respectively in the Superintendence and Execution of such Directions and Regulations out of the Funds of their respective Unions, Parishes, or Combinations; and if any such Expenses shall have been incurred on account or in respect of any extra-parochial Place in *England* or *Ireland*, the same shall, upon an Order in Writing specifying the Sum to be paid, under the Hands and Seals of Two Justices, who are hereby empowered to make such Order, upon proper Application in this Behalf, be paid or defrayed out of any public Rates or Funds raised therein or applicable thereto under the Authority of Parliament, or in case there be no such Rates or Funds as last aforesaid, then out of the Funds of the Union or Parish for which the Guardians by whom the Expenses have been incurred act; and in case any such Expenses shall have been incurred on account or in respect of any Parish in *Scotland* in which it shall happen that there is not at the Time an Assessment for the Relief of the Poor imposed or levied, then the same shall be paid or defrayed out of an Assessment to be imposed and levied for that Purpose, and to the Extent necessary, under and in the Manner provided by the said Act for the Amendment and better Administration of the Laws relating to the Relief of the Poor in *Scotland*.

XV. And be it enacted, That every Order of Her Majesty's Privy Council, or of the Lord Lieutenant and Privy Council of *Ireland*, and every Direction and Regulation of the said General Board of Health or Commissioners of Health under this Act, shall, forthwith upon the issuing thereof, be laid before both Houses of Parliament,

ecute Regulations and Directions of the General Board of Health, &c.

Power of Entry for the Purpose of enforcing Regulations of the General Board of Health, &c.

Expenses of Guardians, &c. to be paid out of Poor Rate, &c.

8 & 9 Vict. c. 83.

Orders, Directions, and Regulations to be laid before Parliament, and to be gazetted, &c.

Parliament, if Parliament be then sitting, and if not then within Fourteen Days next after the Commencement of the then next Session of Parliament; and every such Order of Her Majesty's Privy Council, or any Members thereof, as aforesaid, shall be certified under the Hand of the Clerk in Ordinary of Her Majesty's Privy Council, and shall be published in the *London Gazette*, and every such Order of the Lord Lieutenant and Privy Council of *Ireland* shall be certified under the Hand of One of the Clerks of the Privy Council of *Ireland*, and shall be published in the *Dublin Gazette*; and every such Direction and Regulation as aforesaid when issued in *Great Britain* shall be published in the *London Gazette* and in the *Edinburgh Gazette*, and when issued in *Ireland* in the *Dublin Gazette*; and such Publication of any such Order, Direction, or Regulation shall be conclusive Evidence of the Order, Direction, or Regulation so published, to all Intents and Purposes.

Penalties for obstructing Execution of this Act.

XVI. And be it enacted, That whosoever shall wilfully obstruct any Person acting under the Authority or employed in the Execution of this Act, or who shall wilfully violate any Direction or Regulation issued by the General Board of Health, or such Commissioners of Health as aforesaid, under this Act, shall be liable for every such Offence to a Penalty not exceeding Five Pounds; and if the Occupier of any Premises prevent the Owner thereof from obeying or carrying into effect the Provisions of this Act, any Justice, or in *Scotland* the Sheriff or any Justice, to whom Application is made in this Behalf, shall, by Order in Writing (which may be according to the Form contained in the Schedule (D.) to this Act annexed, or to the like Effect,) require such Occupier to permit the Execution of the Works required to be executed, provided that such Works appear to such Sheriff or Justice to be necessary for the Purpose of obeying or carrying into effect the Provisions of this Act; and if within a reasonable Time after the making of such Order the Occupier against whom it is made refuse to comply therewith, he shall be liable to a Penalty not exceeding Five Pounds for every Day afterwards during the Continuance of such Refusal.

Recovery of Penalties in England or Ireland,

XVII. And be it enacted, That Penalties imposed by this Act for Offences committed in *England* or *Ireland* may be recovered by any Person before any Two Justices, and may be levied by Distress and Sale of the Goods and Chattels of the Offender, together with the Costs of such Distress and Sale, by Warrant under the Hands and Seals of the Justices before whom the same shall be recovered, or any other Two Justices; and in case it shall appear to the Satisfaction of such Justices, before or after the issuing of such Warrant, either by the Confession of the Offender or otherwise, that he hath not Goods and Chattels within their Jurisdiction sufficient to satisfy the Amount, they may commit him to any Gaol or House of Correction for any Time not exceeding Fourteen Days, unless the Amount be sooner paid, in the same Manner as if a Warrant of Distress had issued and a Return of Nulla bona been made thereon; and Penalties imposed by this Act for Offences in *Scotland* may be recovered by the Procurator Fiscal of the Court, or by any other Person, before the Sheriff or Two Justices, who may proceed in

and in Scotland.

a sum-

a summary Way, and grant Warrant for bringing the Parties complained upon immediately before him or them, and on Proof on Oath by One or more credible Witness or Witnesses, or other legal Evidence, he or they may forthwith determine and give Judgment, without any written Pleadings or Record of Evidence, and grant Warrant for the Recovery of the Penalties and Expenses decerned for, and, failing Payment within Eight Days after Conviction, by Poinding, and Imprisonment for a Period, at the Discretion of the Sheriff or Justices, not exceeding Fourteen Days; and all Penalties whatsoever recovered under this Act shall be paid to or (as the Case may require) be retained by the Guardians of the Poor, or, in *Scotland*, the Parochial Board for the Management of the Poor, and shall be by them applied in aid of the Rates or Funds for the Relief of the Poor of the Parish, Electoral Division, or Place in which the Penalties may have been incurred.

Application
of Penalties.

XVIII. And be it enacted, That in case of any Demand or Complaint under this Act to which Two or more Owners or Occupiers of Premises may be jointly answerable, it shall be sufficient to proceed against any One or more of them, without in any Manner proceeding against the others or other of them; but nothing herein contained shall prevent the Parties so proceeded against from recovering Contribution in any Case in which they would now be entitled to Contribution by Law.

One or more
of several
joint Owners
or Occupiers
may be pro-
ceeded
against
alone.

XIX. And be it enacted, That wherever in any Proceeding under this Act, whether written or otherwise, it shall become necessary to mention or refer to the Owner or Occupier of any Premises, it shall be sufficient to designate him as the "Owner" or "Occupier" of such Premises, without Name or further Description.

Unnecessary
to describe
Owner or
Occupier by
Name in cer-
tain Cases.

XX. And be it enacted, That no Order, nor any other Proceeding, Matter, or Thing done or transacted in or relating to the Execution of this Act, shall be vacated, quashed, or set aside for Want of Form, or be removed or removable by Certiorari, or by Suspension or Advocation, or other Writ or Process whatsoever, into any of the Superior Courts.

Proceedings
not to be
quashed for
Want of
Form.

XXI. And be it enacted, That all Proceedings whatsoever commenced or taken or to be commenced or taken under the said first-recited Act of the Tenth Year of Her Majesty's Reign, and which shall not have been completed and enforced whilst the last-mentioned Act continues in force, may be proceeded with and enforced under the Provisions of that Act, although such Provisions be no longer in force, in the same Manner in all respects and to all Intents and Purposes as if the same continued to be in force, and as if the said last-mentioned Act had not expired.

Proceedings
commenced
under
9 & 10 Vict.
c. 96. may
be enforced,
although
that Act has
expired.

XXII. And be it enacted, That in this Act the following Words and Expressions shall have the Meanings herein-after assigned to them, unless such Meanings be repugnant to or inconsistent with the Context; (that is to say,) the Words "Justice" and "Justices" shall mean a Justice or Justices of the Peace acting for the Place where

Interpreta-
tion of
Terms.

the Matter or any Part of the Matter, as the Case may be, requiring the Cognizance of the "Justice" or "Justices" arises; the Expression "Two Justices" shall mean Two or more Justices assembled and acting together, or One Stipendiary or Police Magistrate acting in any Police Court for the Place in which the Matter or any Part of the Matter, as the Case may be, requiring the Cognizance of "Two Justices," arises; the Word "Sheriff" shall mean the Sheriff of any County or Place in *Scotland* where the Matter requiring the Cognizance of the "Sheriff" arises, and shall include the Sheriff Substitute; the Word "Magistrates" shall mean the Magistrates of any Royal Burgh in *Scotland* where the Matter requiring Cognizance arises; the Words "Guardians of the Poor" and the Words "Parochial Board" shall mean the Guardians, Directors, Wardens, Governors, Parochial Board, or other like Officers having the Management of the Poor for any Union, Parish, Combination, or Place where the Matter requiring the Cognizance of any such Officers arises; the Word "Street" shall include every Highway, Road, Square, Row, Lane, Mews, Court, Alley, and Passage, whether a Thoroughfare or not; the Word "Owner" shall mean any Person receiving the Rents of the Property in respect of which that Word is used from the Occupier of such Property, on his own Account, or as Trustee or Agent for any other Person, or who would receive the same if such Property were let to a Tenant; the Word "Person," and Words applying to any Person or Individual, shall apply to and include Corporations, whether aggregate or sole; and Words and Expressions importing the Singular Number shall include the Plural Number, and Words importing the Masculine Gender shall include Females,

Mode of
citing this
Act.

XXIII. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments and other Proceedings, it shall be sufficient to use the Words "The Nuisances Removal and Diseases Prevention Act, 1848."

Act may be
amended, &c.

XXIV. And be it enacted, That this Act may be amended or repealed in this present Session of Parliament.

SCHEDULES to which the foregoing Act refers.

SCHEDULE (A.)

Notice by Householders.

To the Town Council of the Borough of _____ [or
Guardians of the Poor of the _____ Union or of the Parish
of _____ in the County of _____ or as the
Case may be; or, in Scotland, to the Procurator Fiscal of the
County of _____ or to the Procurator Fiscal or Dean of Guild
of the Burgh of _____ or to the Procurator Fiscal of
the Justices of the County of _____ or to the Inspector
of the Poor of the Parish of _____ or as the Case
may be].

We, the undersigned _____ Inhabitants [or, in Scotland,
Householders] of _____ [insert the Parish or Place], and
residing at _____ in [insert the Parish or Place before
mentioned] aforesaid, do hereby give you Notice, that to the best
of our Knowledge and Belief a Dwelling House [or Building] situate
at No. _____ in _____ Street in
aforesaid [or such other Description as may be sufficient to identify
the Premises] is in such a filthy and unwholesome Condition as to be a
Nuisance to [or injurious to the Health of] A.B., or as the Case may be,
[or that upon certain Premises situate at [inserting such a Descrip-
tion as may be sufficient to identify the Premises] there is a foul and
offensive Drain, Ditch, Gutter, Privy, Cesspool, or Ashpit, or a Drain,
&c., kept or constructed so as to be a Nuisance to us, or to the
Occupiers of the Premises adjoining the Premises aforesaid, or as the
Case may be, or that upon certain Premises situate at, &c., Swine, or
an Accumulation of Dung, Manure, Offal, Filth, Refuse, or Matter,
or as the Case may be, are or is kept so as to be injurious to our
Health, or to the Health of A.B., or of the Occupiers of the Premises
adjoining the Premises aforesaid, or of Persons living in the Neigh-
bourhood, or of the Persons living in the Premises aforesaid, as the
Case may be, or that upon certain Premises, &c., Swine, &c. are kept
so as to be a Nuisance to us, &c. as the Case may be]. And we
hereby require that you will cause such Proceedings to be taken as
are directed in this Behalf by the "Nuisances Removal and Diseases
Prevention Act, 1848."

Dated this _____
eight hundred and _____

Day of _____

One thousand

A.B.
C.D.

SCHE-

SCHEDULE (B.)

Summons to appear.

To the Owner [*or Occupier*] of a Dwelling House [*or Building, or of certain Premises,*] situate at [*insert such a Description as may be sufficient to identify the Premises.*]

County of _____, } WHEREAS Complaint hath been made to the
 [*or Borough, &c. of*] undersigned, One of Her Majesty's Justices
 [*or Metropolitan Police Dis-*] of the Peace acting in and for the said County
 [*trict, or as the Case may be*] of _____,
 to wit. [*or Borough, &c. of*],
 or One of the Magistrates of the Police Courts of the Metropolis
 holden at _____ [*or as the Case may be*], by the Town Council
 of the Borough of _____ [*or as the Case may be*], that a certain
 Dwelling House [*or Building*] situate at No. _____ in the Parish of
 _____ [*or as the Case may be*] in the County of
 _____ [*or such other Description as may be sufficient to identify the Pre-*
 [*mises*] is in such a filthy and unwholesome Condition as to be a
 Nuisance to or injurious to the Health of *A.B.*, or as the Case may be,
 [*or that upon certain Premises situate at [inserting such a Description*
 [*as may be sufficient to identify the Premises]* there is a foul and
 offensive Drain, [Ditch, Gutter, Privy, Cesspool, or Ashpit, or a
 Drain, &c., kept or constructed so as to be a Nuisance to *A.B.*, &c.,
 [*as the Case may be,*] or that Swine [*or an Accumulation of Dung,*
 Manure, Offal, Filth, Refuse, or Matter, or as the Case may be,] are
 [*or is*] kept so as to be injurious to the Health of *A.B.*, or of the
 Occupiers of the Premises adjoining the Premises aforesaid, or of
 Persons living in the Neighbourhood of the Premises aforesaid, or of
 Persons living in the Premises aforesaid, or a Nuisance to *A.B.*, &c.,
 as the Case may be]. These are therefore to require you to appear
 before Two of Her Majesty's Justices of the Peace [*or One of the*
 Magistrates of the Police Courts of the Metropolis, at the Court
 holden at _____] on the _____ Day of
 next, at the Hour of _____ to answer the Matter of the
 said Complaint.

Given under my Hand and Seal, this _____ Day
 of _____ in the Year of our Lord One thousand eight
 hundred and _____ .

J.K. (L.S.)

SCHEDULE (C.)

Order for Removal of Nuisances, &c.

To the Owner [or Occupier] of the Dwelling House [or Building or Premises] situate at No. _____ in _____ Street in the Parish of _____ in the County of _____ [or such other Description as may be sufficient to identify the Premises], and to the Town Council of the Borough of _____ [or to the Guardians of the Poor of the _____ Union, or of the Parish of _____ in the County of _____ or, in Scotland, the Procurator Fiscal of the County of _____ or the Procurator Fiscal or Dean of Guild of the Burgh of _____ or the Procurator Fiscal of the Justices of the Peace of the County of _____ or the Inspector of the Poor of the Parish of _____ as the Case may be], and to their Servants or Agents, and to all whom it may concern.

County of _____ } WHEREAS on the _____ Day of _____
 [or Borough, &c. of _____ } last Complaint was made before the under-
 or Metropolitan Police Dis- } signed [or before J.K., Esquire, One of Her
 trict, or as the Case may be] } Majesty's Justices of the Peace acting in and for
 to wit. }
 the County of _____ [or before the undersigned, or J.K., Esquire,
 One of the Magistrates of the Police Courts of the Metropolis, or as
 the Case may be], by the Town Council of the Borough of _____
 [or by the Guardians of the Poor of the _____ Union, or of
 the Parish of _____ in the County of _____ ;
 or, in Scotland, by the Procurator Fiscal of the County of _____
 or by the Procurator Fiscal or Dean of Guild of the Burgh of _____
 or by the Procurator Fiscal of the Justices
 of the Peace of the County of _____ or by the
 Inspector of the Poor of the Parish of _____ as the
 Case may be], that a Dwelling House [or Building] situate at
 No. _____ in _____ Street in [the Parish or Place
 before mentioned aforesaid, [or such other Description as may be
 sufficient to identify the Premises,] then was in such a filthy and
 unwholesome Condition as to be a Nuisance [or injurious to the
 Health of] A.B. or as the Case may be, [or that upon certain
 Premises situate at [inserting such a Description as may be sufficient
 to identify the Premises] there then was a foul and offensive Drain,
 [Ditch, Gutter, Privy, Cesspool, or Ashpit, or a Drain, &c. kept or
 constructed so as to be a Nuisance to A.B., &c., as the Case may
 be], or that upon certain Premises, situate, &c. Swine, or an Accu-
 mulation of Dung, Manure, Offal, Filth, or Refuse, or as the Case may
 be, are or is kept so as to be injurious to the Health of A.B. or of
 the Occupiers of the Premises adjoining the Premises first aforesaid,
 or of Persons living in the Neighbourhood of the Premises first afore-
 said, or of Persons living in the Premises first aforesaid, or so as to
 be a Nuisance to A.B., &c. : And whereas the Owner [or Occupier]
 of the said Dwelling House, Building, or Premises having this Day
 appeared before us, Two of Her Majesty's Justices of the Peace acting
 15 D in

in and for the County [*or Borough*] of [*or before me, One of the Magistrates of the Police Courts of the Metropolis, or, in Scotland, before the Sheriff or Magistrates or Two Justices of the Peace, as the Case may be*], to answer the Matter of the said Complaint, [*or in case the Party charged do not appear*], And whereas it hath this Day been proved to our [*or my*] Satisfaction, that a true Copy of a Summons requiring the Owner [*or Occupier*] of the said Dwelling House [*or Building or Premises*] to appear this Day before us [*or me*] has been duly served according to the Statute in such Case made and provided], and it having been proved [*or also proved, as the Case may require,*] that the said Dwelling House [*or Building*] is in such a filthy and unwholesome Condition as aforesaid, [*or that upon the Premises aforesaid [*or first aforesaid*] there is a foul and offensive Drain [*Privy, Cesspool, or Ashpit, or a Drain, &c.* kept or constructed so as to be a Nuisance to A.B., &c., as the Case may be*], or that upon the Premises aforesaid, or first aforesaid, an Accumulation of Dung, Manure, Offal, Filth, or Refuse, or as the Case may be, is kept, or a Pigsty exists, so as to be injurious to Health as aforesaid, or so as to be a Nuisance to A.B., &c., as the Case may be]: We [*or I*] do hereby, in pursuance of the Statute in such Case made and provided, order the said Owner [*or Occupier*] of the said Dwelling House [*or Building, or Premises, or first-mentioned Premises, within* Hours from the Service of this Order [*or a true Copy thereof*], according to the Statute in such Case made and provided, to cleanse [*whitewash or purify*] the said Dwelling House [*or to cleanse, cover, or fill up, or as the Case may require, the said Drain, [*Ditch, Gutter, Privy, Cesspool, or Ashpit, or otherwise as the Case may require*], or remove the said Pigsty, or Accumulation of Dung, Offal, Filth, Refuse, or Matter, as the Case may be, so that the same shall not be injurious to Health, or a Nuisance, as aforesaid*]; and if this Order be not complied with, then we [*or I*] authorize and require you the said Town Council [*or Guardians of the Poor, or, in Scotland, the Procurator Fiscal of the County of* or the Procurator Fiscal or Dean of Guild of the Burgh of or the Procurator of the Justices of the Peace of the County of or the Inspector of the Poor of the Parish of as the Case may be] to enter upon the said Dwelling House, [*or Building, or Premises, or first-mentioned Premises,*] and to do all such Works, Matters, and Things as may be necessary for carrying this Order into effect, according to the Statute in such Case made and provided.

And for your so doing this shall be your sufficient Warrant.

Given under our Hands and Seals [*or my Hand and Seal, or, in Scotland, our Hands, or my Hand*], this Day of
One thousand eight hundred and

Signatures. { (L.S.)*
(L.S.)*

* [*In Scotland without Seals.*]

SCHEDULE (D.)

Order to permit Execution of Works by Owners.

County of
[or Borough, or Burgh,
or Metropolitan Police District,
or as the Case may be]
to wit.

WHEREAS Complaint hath been made to me,
E.F. Esquire, One of Her Majesty's Justices
of the Peace in and for the County [or
Borough, &c.] of [or One of the
Magistrates of the Police Courts of the Metropolis, or as the Case may
be, or, in Scotland, to me, G.H., Sheriff, or One of Her Majesty's Jus-
tices of the Peace, as the Case may be, of the County of],
by A.B., Owner within the Meaning of the "Nuisances Removal
and Diseases Prevention Act, 1848," of certain Premises, to wit, a
Dwelling House [or Building, or as the Case may be], situate [insert
such a Description of the Premises as may be sufficient to identify them],
in the Parish of in the said County [or Borough, &c.],
that C.D., the Occupier of the said Premises, doth prevent the said
A.B. from obeying and carrying into effect the Provisions of the said
Act, in this, to wit, that he the said C.D. doth prevent the said A.B.
from [here describe the Works generally according to the Circum-
stances; for instance, thus: cleansing or whitewashing or purifying
the said Dwelling House [or Building], or cleansing a foul and
offensive Drain [Ditch, Gutter, Privy, Cesspool, or Ashpit] which
exists upon the said Premises, or as the Case may require]: And
whereas the said C.D. having been summoned to answer the said
Complaint, and not having shown sufficient Cause against the same,
and it appearing to me that the said Works are necessary for the
Purpose of enabling the said A.B. to obey and carry into effect the
Provisions of the said Act, I do hereby order that the said C.D. do
permit the said A.B. to execute the same in the Manner required by
the said Act.

Given under my Hand and Seal [or, in Scotland, under my Hand],
this Day of in the Year of our Lord One
thousand eight hundred and

E.F. (L.S.)*

* [In Scotland without Seal.]

LONDON:

Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
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ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

C A P. XXVIII.

An Act for the well-ordering of Common Lodging Houses.
[24th *July* 1851.]

WHEREAS it would tend greatly to the Comfort and Welfare of many of Her Majesty's poorer Subjects if Provision were made for the well-ordering of Common Lodging Houses: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; to wit,

I. In citing this Act for any Purpose it shall be sufficient to use the Expression "The Common Lodging Houses Act, 1851." Short Title.

II. The following Words and Expressions in this Act have, for the Purposes and Execution of this Act, the following Meanings; Interpretation of Terms in this Act.
to wit,

The Word "Place" includes County, Riding, Hundred, and other Division or Part of a County, City, Borough, Parish, District, and other Place whatsoever:

Common Lodging Houses.

The Word "Borough," and the Expressions "Mayor, Aldermen, and Burgesses," and "Borough Fund," have respectively the same Meaning as in the Act for the Regulation of Municipal Corporations :

The Expression "Improvement Act" means an Act for regulating and managing the Police of, and for draining, cleansing, paving, lighting, watching, and improving a Place, and an Act for any of those Purposes :

The Expression "Common Lodging House" includes, in any Case in which only a Part of a House is used as a Common Lodging House, the Part so used of such House.

By whom
the Act is to
be executed.

III. This Act shall be executed as follows ; to wit,

1. Within and for all or any Part of the Metropolitan Police District, by "The Commissioners of Police of the Metropolis," or such One of them as is from Time to Time appointed in that Behalf by One of Her Majesty's Principal Secretaries of State :

2. Within and for all and any Part of any Place not being within the Metropolitan Police District, but being now or hereafter the District of a Local Board of Health, by the Local Board of Health for the District :

3. Within and for all and any Part of any other Place not being within the Metropolitan Police District, and not being the District of a Local Board of Health, but being now or hereafter an incorporated Borough regulated under the Act for the Regulation of Municipal Corporations, or any Act for the Amendment thereof, or any Charter granted in pursuance of any such Act, by the Mayor, Aldermen, and Burgesses of the Borough acting by the Council of the Borough :

4. Within and for all and any Part of any other Place not being within the Metropolitan Police District, and not being the District of a Local Board of Health, and not being such an incorporated Borough, but being now or hereafter the Place within the Limits of an Improvement Act, by the Commissioners, Trustees, or other Body, by whatever Name known, for executing the Improvement Act :

5. Within and for all and any Part of any other Place not being One of the Places herein-before specified, by the Justices of the Peace acting in Petty Sessions for the Place.

As to Ex-
penses of
executing
this Act.

IV. The Expenses of and incident to the executing of this Act shall be borne and paid as follows ; to wit,

1. With respect to the Metropolitan Police District, as Part of the general Expenses of executing the Acts for the Time being in force relating to the Metropolitan Police Force :

2. With

Common Lodging Houses.

2. With respect to the District of a Local Board of Health, as Part of the Expenses of executing the Acts for the Time being in force relating to the Local Board of Health, and as charged upon and payable out of the Monies carried, under the Public Health Act, 1848, to the District Fund Account of the Local Board of Health :

3. With respect to an incorporated Borough, as Part of the Expenses of carrying into execution within the Borough the Provisions of the Act for the Regulation of Municipal Corporations, and as charged upon and payable out of the Borough Fund of the Borough :

4. With respect to a Place within the Limits of an Improvement Act, as Part of the general Expenses of executing that Act, and as charged upon and payable out of the Monies from Time to Time applicable for those Expenses :

5. With respect to a Place in which this Act is executed by Justices in Petty Sessions, as Part of the general Expenses of the Constablewick of the Place, and as charged upon and payable out of the Monies from Time to Time applicable for those Expenses :

And the Monies from Time to Time required for the Payment of the Expenses of and incident to the Execution of this Act shall be assessed, levied, raised, recovered, and paid accordingly.

V. The Expression in this Act "the local Authority" means, with respect to the Purposes and Execution of this Act with respect to any Place, the Body or Person by this Act authorized to execute with respect to the Place the several Provisions of this Act.

Meaning of the Term "the local Authority."

VI. Within Three Months after the passing of this Act the local Authority shall, and from Time to Time thereafter the local Authority may, give to the Keeper of every Common Lodging House already or hereafter within the Jurisdiction under this Act of the local Authority Notice in Writing of this Act, and shall give such Notice by leaving the same for such Keeper at the House, and shall by such Notice require the Keeper to register the House as by this Act provided, and such Notice may be in the Form in the Schedule to this Act annexed, or to the like Effect.

Notice of this Act to be given to the Keepers of Common Lodging Houses.

VII. The local Authority shall keep a Register in which shall be entered the Names and Residences of the Keepers of all Common Lodging Houses within the Jurisdiction of the local Authority, and the Situation of every such House and the Number of Lodgers authorized according to this Act to be received therein.

Registers of Common Lodging Houses to be kept.

VIII. After

Common Lodging Houses.

Lodgers
not to be re-
ceived in
Common
Lodging
Houses until
registered
under this
Act.

VIII. After One Month after the giving of such Notice to register as by this Act provided, the Keeper of any Common Lodging House or any other Person shall not receive any Lodger in such House until the same has been inspected and approved for that Purpose by some Officer appointed in that Behalf by the local Authority, and has been registered as by this Act provided.

Power to
local Autho-
rity to make
Regulations
respecting
Common
Lodging
Houses.

IX. The local Authority may from Time to Time make Regulations respecting Common Lodging Houses within its Jurisdiction for all or any of the Purposes respecting the same for which the Local Board of Health are by the Public Health Act, 1848, authorized to make Byelaws, and for the well-ordering of such Houses, and for the Separation of the Sexes therein: Provided always, that the Regulations made under this Act by the local Authority shall not be in force until they have been confirmed by One of Her Majesty's Principal Secretaries of State.

Power to
local Autho-
rity to im-
pose Penal-
ties for
Offences
committed
against
Regulations.

X. The local Authority shall have the same Power of imposing Penalties on Offenders against the said Regulations, subject to the same Restrictions, as the Local Board with respect to Offenders against such Byelaws, and such Penalties shall be recoverable in the same Way as is provided in the said Act with respect to the Penalties imposed on Offenders against such Byelaws; and a Copy of the said Regulations, purporting to be signed by the Secretary of State, and also to be signed by the local Authority, (or to be sealed with the Seal of the same, in case it have a Seal,) shall be receivable in Evidence of such Regulations, and of the duly making and confirming thereof.

Keepers of
Common
Lodging
Houses to
give Notice
of Fever, &c.
therein.

XI. The Keeper of a Common Lodging House shall, when a Person in such House is ill of Fever or any infectious or contagious Disease, give immediate Notice thereof to the local Authority, or some Officer of the local Authority, and also to the Poor Law Medical Officer and the Poor Law Relieving Officer of the Union or Parish in which the Common Lodging House stands.

As to In-
spection of
Common
Lodging
Houses.

XII. The Keeper of a Common Lodging House, and every other Person having or acting in the Care or Management thereof, shall, at all Times when required by any Officer of the local Authority, give him free Access to such House or any Part thereof.

As to
cleansing
of Common
Lodging
Houses.

XIII. The Keeper of a Common Lodging House shall thoroughly cleanse all the Rooms, Passages, Stairs, Floors, Windows, Doors, Walls, Ceilings, Privies, Cesspools, and Drains thereof, to the Satisfaction of and so often as shall be required by or in accordance with
any

Common Lodging Houses.

any Regulation or Byelaw of the local Authority, and shall well and sufficiently, and to the like Satisfaction, limewash the Walls and Ceilings thereof in the First Week of each of the Months of *April* and *October* in every Year.

XIV. If the Keeper of a Common Lodging House, or any other Person having or acting in the Care or Management thereof, offend against any of the Provisions of this Act, or any of the Byelaws or Regulations made in pursuance of this Act, or if any Person in any Common Lodging House be confined to his Bed for Forty-eight Hours by Fever or any infectious or contagious Disease, without the Keeper of such House giving Notice thereof as required by this Act, every Person so offending shall for every such Offence be liable to a Penalty not exceeding Five Pounds, and to a further Penalty not exceeding Forty Shillings for every Day during which the Offence continues: Provided always, that this Act shall not exempt any Person from any Penalty or other Liability to which he may be subject irrespective of this Act.

Penalty for
Offences
against this
Act.

XV. The Clauses and Provisions of the Railways Clauses Consolidation Act, 1845, "with respect to the Recovery of Damages " not specially provided for, and of Penalties, and to the Determina-
" tion of any other Matter referred to Justices," are for the Purposes and Execution of this Act incorporated with this Act.

Recovery of
Penalties.

XVI. The local Authority, and all Justices, Constables, and others, shall respectively have full Jurisdiction, Powers, Authorities, and Indemnities for executing the several Provisions of this Act; and the Restrictions of the Public Health Act, 1848, as to the Hours within which Common Lodging Houses may be entered by Persons authorized by a Local Board of Health, shall not apply to this Act.

General
Powers of
local Autho-
rity, &c.

XVII. That this Act shall not extend to the City of *London* or the Liberties thereof.

Act not to
extend to
the City of
London ;
nor to *Scot-*
land.

XVIII. That nothing in this Act shall extend to *Scotland*.

Common Lodging Houses.

SCHEDULE.

FORM OF NOTICE.

TAKE notice, That on the [] Day of []
 an Act called "The Common Lodging Houses Act, 1851," was
 passed, and that before the [] Day of []
 you, being the Keeper of a Common Lodging House within [*here*
state the Place over which the Jurisdiction of the local Authority
giving the Notice extends], must have your Common Lodging House
 registered, and that the Register is to be kept at [*here state where*
the Register is to be kept], and that if you do not have your Common
 Lodging House so registered you will be liable to a Penalty not
 exceeding Five Pounds for every Lodger whom you receive in
 your Common Lodging House while it is not so registered; and
 that on your applying to [*here give the Name and Address of the*
Person to keep the Register] he will register your Common Lodging
 House free of all Charge to you. Dated [&c.]

LONDON:

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ANNO DECIMO SEXTO & DECIMO SEPTIMO

VICTORIÆ REGINÆ.

C A P. XLI.

An Act for making further Provisions with respect to Common Lodging Houses. [4th August 1853.]

WHEREAS it is expedient to extend the Provisions of "The Common Lodging Houses Act, 1851:" Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. This Act may be cited for any Purpose as "The Common Lodging Houses Act, 1853." Short Title.

II. The Common Lodging Houses Act, 1851, and this Act shall be construed and executed as if they were One Act. Recited Act and this Act to be as One.

III. After Three Months after the passing of this Act a Person shall not keep a Common Lodging House or receive a Lodger therein until the House have been inspected and approved for that Purpose by some Officer appointed in that Behalf by the local Authority, and have been registered as by the recited Act provided; and a Person shall not keep a Common Lodging House unless his Name as the Keeper thereof be entered in the Register kept under the recited Act: Provided always, that when the Person so registered dies, his Widow or any Member of his Family may keep the House as a Common Lodging House for not more than Four Weeks after his Death without being registered as the Keeper thereof. All Common Lodging Houses to be registered before being used, and to be kept only by registered Keepers.

Common Lodging Houses.

Local Authority may refuse to register Houses, if Keepers do not produce Certificate of Character.

IV. The local Authority may refuse to register as the Keeper of a Common Lodging House a Person who does not produce to the local Authority a Certificate of Character in such Form as the local Authority shall direct, signed by Three Inhabitant Householdors of the Parish respectively rated to the Relief of the Poor of the Parish within which the Lodging House is situate for Property of the yearly rateable Value of Six Pounds or upwards.

Evidence of Register.

V. A Copy of an Entry made in a Register kept under the recited Act, certified by the Person having the Charge of the Register to be a true Copy, shall be received in all Courts and before all Justices and on all Occasions whatsoever as Evidence, and be sufficient Proof of all Things therein registered, without Production of the Register or of any Document, Act, or Thing on which the Entry is founded; and every Person applying at a reasonable Time shall be furnished gratis by the Person having such Charge with a certified Copy of any such Entry.

Power to Local Authority to require an additional Supply of Water to Common Lodging Houses.

VI. When it appears to the local Authority that a Common Lodging House is without a proper Supply of Water for the Use of the Lodgers, and that such a Supply can be furnished thereto at a reasonable Rate, the local Authority may by Notice in Writing require the Owner or Keeper of the Common Lodging House, within a Time specified therein, to obtain such Supply, and to do all Works necessary for that Purpose; and if the Notice be not complied with accordingly, the local Authority may remove the Common Lodging House from the Register until it be complied with.

As to Removal of sick Persons from Common Lodging Houses to Hospitals, &c.

VII. When a Person in a Common Lodging House is ill of Fever or any infectious or contagious Disease the local Authority may cause such Person to be removed to an Hospital or Infirmary, with the Consent of the Authorities thereof, and on the Certificate of the Medical Officer of the Parish, Place, or District that the Disease is infectious or contagious, and that the Patient may be safely removed, and may, so far as the local Authority think requisite for preventing the Spread of Disease, cause any Clothes or Bedding used by such Person to be disinfected or destroyed, and may, if the local Authority think fit, award to the Owners of the Clothes and Bedding so disinfected or destroyed reasonable Compensation for the Injury or Destruction thereof, and such Compensation shall be paid to such Owners by the proper Officer of the Parish or Union in which the Common Lodging House is situate, out of the Rates applicable to the Relief of the Poor of such Parish, the Amount of such Compensation being first certified in Writing upon a List of such Articles.

Power to order Reports from Keepers of Common

VIII. The Keeper of a Common Lodging House in which Beggars or Vagrants are received to lodge, or other Person having the Care or Management thereof, shall from Time to Time, if required by any Order of the local Authority served on such Keeper or Person, report

Common Lodging Houses.

report to the local Authority, or to such Person or Persons as the said local Authority shall direct, every Person who resorted to such House during the preceding Day or Night, and for that Purpose Schedules shall be furnished by the local Authority to the Persons so ordered to report, which Schedules they shall fill up with the Information required, and transmit to the local Authority.

Lodging
Houses kept
for Beggars
and Vagrants.

IX. The Town Council, Trustees, Commissioners, Guardians, and other Officers and Boards specified in the First Section of the "Nuisances Removal and Diseases Prevention Act, 1848," shall, on the Receipt of a Certificate of any Police Constable or of any Officer appointed for the Inspection of Common Lodging Houses by the local Authority, stating the Existence in or about any Common Lodging House of any of the Causes of Complaint specified in that Section, take all such Proceedings as by that Section are required to be taken by the Town Council, Trustees, Commissioners, Guardians, and other Officers and Boards specified therein on a Notice signed by Two Inhabitant Householders, and in like Manner as nearly as may be as if such Notice had been given; and the local Authority shall have the like Powers, and shall take all such Proceedings, on Receipt of any such Certificate of the Existence of any such Cause of Complaint, as the Town Council, Trustees, Commissioners, Guardians, and other Officers or Boards have and are empowered and required to take under the Provisions of that Act.

Power to
Town Coun-
cils, &c. to
remove
Causes of
Complaint
certified
under
Nuisances
Removal,
&c. Act.

X. Provided always, notwithstanding any Provision contained in this Act, That within the City of *Oxford*, or the Parts within the Jurisdiction of the Commissioners for amending certain Mileways leading to *Oxford*, and making Improvements in the University and City of *Oxford*, the Suburbs thereof, and the adjoining Parish of *Saint Clement*, (which Commissioners are herein-after called the *Oxford* Commissioners,) the several Powers and Duties assigned by this Act to any local Authority shall, in so far as they are consistent with the Laws under which the said *Oxford* Commissioners act, be exercised by the said *Oxford* Commissioners; and within the Borough of *Cambridge*, or the Parts within the Jurisdiction of the Commissioners acting under an Act of the Thirty-fourth Year of the Reign of King *George* the Third, for amending and enlarging the Powers of a former Act of the same Reign, for the better paving, cleansing, and lighting the Town of *Cambridge*, for removing and preventing Obstructions and Annoyances, and for widening the Streets, Lanes, and other Passages within that Town, (which Commissioners are herein-after called the *Cambridge* Commissioners,) the several Powers and Duties aforesaid shall, in so far as they are consistent with the Laws under which the said *Cambridge* Commissioners act, be exercised by the *Cambridge* Commissioners.

The Oxford
Commis-
sioners and
the Cam-
bridge Com-
missioners to
act as the
local Autho-
rity under
this Act.

XI. The

Common Lodging Houses.

As to Offences against this Act.

XI. The Fourteenth Section of the recited Act extends to Offences against any of the Provisions of this Act, so as to render the Offenders liable to the Penalties therein expressed, and any Person convicted of any Offence against the recited Act and this Act, or either of them, may, in default of Payment of the Penalty imposed, be imprisoned for any Term not exceeding Three Months in the Manner provided by Law in that Behalf.

Conviction for Third Offence to disqualify Persons from keeping Common Lodging House.

XII. Where a Keeper of a Common Lodging House, or a Person having or acting in the Care or Management of a Common Lodging House, is convicted of a Third Offence against the recited Act and this Act, or either of them, the Justices before whom the Conviction for such Third Offence takes place may, if they think fit, adjudge that he shall not at any Time within Five Years after the Conviction, or within such shorter Period after the Conviction as the Justices think fit, keep or have or act in the Care or Management of a Common Lodging House without the previous Licence in Writing of the local Authority, which Licence the local Authority may withhold or may grant on such Terms and Conditions as they think fit.

Acts may be executed by Justices at Petty Sessions.

XIII. In a Case in which there are not Petty Sessions for a Place fifthly mentioned in Section Three of the recited Act, that Act and this Act may be executed within and for all and any Part of such Place by the Justices of the Peace acting in Petty Sessions in the Petty Sessional Division within which such Place is comprised.

As to expenses of executing Act by Justices.

XIV. Where in any Place the recited Act and this Act are executed by Justices in Petty Sessions, the Expenses of and incident to the executing of the recited Act and this Act with respect to such Petty Sessional Division shall be borne by and paid out of the Rates for the Relief of the Poor of the several Parishes or other Places comprised therein in which any Common Lodging House is situate (except so far as there are other Monies applicable to the Purpose), and the Amount of such Expenses shall be ascertained and apportioned by such Justices, and shall be paid accordingly as they order.

LONDON :

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ANNO DECIMO OCTAVO & DECIMO NONO

VICTORIÆ REGINÆ.

C A P. CXVI.

An Act for the better Prevention of Diseases.

[14th *August* 1855.]

WHEREAS the Provisions of “The Nuisances Removal and Diseases Prevention Act, 1848,” amended by “The Nuisances Removal and Diseases Prevention Amendment Act, 1849,” in so far as the same relate to the Prevention or Mitigation of epidemic, endemic, or contagious Diseases, are defective, and it is expedient to substitute other Provisions more effectual in that Behalf: Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. This Act may be cited for all Purposes as the “Diseases Prevention Act, 1855.” Short Title.

II. The Local Authority for executing this Act shall be the Local Authority acting in execution of any General Act in force for the Time being for the Removal of Nuisances. Local Authority for Execution of Act.

III. The Expenses incurred in execution of this Act shall be borne out of the Rates or Funds administered by such Local Authority, under the Provisions and for the Purposes of any such General Act as is referred to in the preceding Section. Expenses of Act.

Diseases Prevention.

Power of
Entry.

IV. The Local Authority and their Officers shall have Power of Entry for the Purposes of this Act, and for executing or superintending the Execution of the Regulations and Directions of the General Board issued under this Act.

Power to
Privy Coun-
cil to issue
Orders that
Provisions
herein con-
tained for
Prevention
of Diseases
may be put
in force.

V. Whenever any Part of *England* appears to be threatened with or is affected by any formidable epidemic, endemic, or contagious Disease, the Lords and others of Her Majesty's Most Honourable Privy Council, or any Three or more of them, (the Lord President of the Council or One of Her Majesty's Principal Secretaries of State being One,) may, by Order or Orders to be by them from Time to Time made, direct that the Provisions herein contained for the Prevention of Diseases be put in force in *England*, or in such Parts thereof as in such Order or Orders respectively may be expressed, and may from Time to Time, as to all or any of the Parts to which any such Order or Orders extend, and in like Manner, revoke or renew any such Order; and subject to Revocation and Renewal as aforesaid, every such Order shall be in force for Six Calendar Months, or for such shorter Period as in such Order shall be expressed; and every such Order of Her Majesty's Privy Council, or of any Members thereof, as aforesaid, shall be certified under the Hand of the Clerk in Ordinary of Her Majesty's Privy Council, and shall be published in the *London Gazette*; and such Publication shall be conclusive Evidence of such Order, to all Intents and Purposes.

Power to
General
Board of
Health to
issue Regu-
lations to
carry out
such Pro-
visions.

VI. From Time to Time after the issuing of any such Order as aforesaid, and whilst the same continues in force, the General Board of Health may issue Directions and Regulations, as the said Board think fit—

For the speedy Interment of the Dead :

For House to House Visitation :

For the dispensing of Medicines, guarding against the Spread of Disease, and affording to Persons afflicted by or threatened with such epidemic, endemic, or contagious Diseases such Medical Aid and such Accommodation as may be required :

Local Extent
and Duration
of Regu-
lations of
General
Board.

And from Time to Time, in like Manner, may revoke, renew, and alter any such Directions and Regulations as to the said Board appears expedient, to extend to all Parts in which the Provisions of this Act for the Prevention of Disease shall for the Time being be put in force under such Orders as aforesaid, unless such Directions and Regulations be expressly confined to some of such Parts, and then to such Parts as therein are specified; and (subject to the Power of Revocation and Alteration herein contained) such Directions and Regulations shall continue in force so long as the said Provisions of this Act shall under such Order be applicable to the same Parts.

VII. Every

Diseases Prevention.

VII. Every such Direction and Regulation as aforesaid, when issued, shall be published in the *London Gazette*, and the Gazette in which such Direction or Regulation was published shall be conclusive Evidence of the Direction or Regulation so published, to all Intents and Purposes.

Publication of such Regulations.

VIII. The Local Authority shall superintend and see to the Execution of such Directions and Regulations, and shall appoint and pay such Medical or other Officers or Persons, and do and provide all such Acts, Matters, and Things, as may be necessary for mitigating such Disease, or for superintending or aiding in the Execution of such Directions and Regulations, or for executing the same, as the Case may require.

The Local Authority to see to the Execution of such Regulations, &c.;

IX. The Local Authority may from Time to Time direct any Prosecutions or legal Proceedings for or in respect of the wilful Violation or Neglect of any such Direction and Regulation.

and may direct Prosecutions for violating the same.

X. Every Order of Her Majesty's Privy Council, and every Direction and Regulation of the General Board of Health, under this Act, shall be laid before both Houses of Parliament, forthwith upon the issuing thereof, if Parliament be then sitting, and if not then within Fourteen Days next after the Commencement of the then next Session of Parliament.

Orders of Council, Directions, and Regulations to be laid before Parliament.

XI. Orders in Council issued in pursuance of this Act for putting in force the Provisions for the Prevention of Disease in the said Nuisances Removal and Diseases Prevention Acts contained, in *Great Britain*, may extend to Parts and Arms of the Sea lying within the Jurisdiction of the Admiralty; and the Board of Health for *England* may issue under this Act Directions and Regulations for cleansing, purifying, ventilating, and disinfecting, and providing Medical Aid and Accommodation, and preventing Disease in Ships and Vessels, as well upon Arms and Parts of the Sea aforesaid as upon Inland Waters.

Order in Council may extend to Parts and Arms of the Sea.

XII. Whenever in compliance with any Regulation of the General Board of Health, which they may be empowered to make under this Act, any Medical Officer appointed under and by virtue of the Laws for the Time being for the Relief of the Poor shall perform any Medical Service on board of any Vessel, such Medical Officer shall be entitled to charge extra for any such Service, at the General Rate of his Allowance for his Services for the Union or Place for which he is appointed, and such Charges shall be payable by the Captain of the

Medical Officer of Unions and others entitled to Costs of attending Sick on board Vessels, when required by Orders of

Diseases Prevention.

General
Board of
Health.

the Vessel, on behalf of the Owners, together with any reasonable Expenses for the Treatment of the Sick; and if such Services shall be rendered by any Medical Practitioner who is not a Union or Parish Officer, he shall be entitled to Charges for any Service rendered on board, with extra Remuneration on account of Distance, at the same Rate as those which he is in the habit of receiving from private Patients of the Class of those attended and treated on Shipboard, to be paid as aforesaid; and in case of Dispute in respect of such Charges, such Dispute may, where the Charges do not exceed Twenty Pounds, be determined summarily, at the Place where the Dispute arises, as in Case of Seamen's Wages not exceeding Fifty Pounds, according to the Provisions of the Law in that Behalf for the Time being in force; and any Justice before whom Complaint is made shall determine summarily as to the Amount which is reasonable, according to the accustomed Rate of Charge within the Place for Attendance on Patients of the like Class or Condition as those in respect of whom the Charge is made,

Authentica-
tion of Direc-
tions and
Regulations
of General
Board of
Health.

XIII. The Directions and Regulations of the General Board of Health under this Enactment shall be under the Seal of the said Board, and the Hand of the President or Two or more Members thereof; and any Copy of such Regulations purporting to bear such Seal and Signature, whether the said Signature and Seal be respectively impressed and written, or printed only, shall be Evidence in all Proceedings in which such Regulations may come in question.

Penalty for
obstructing
Execution of
Act.

XIV. Whoever wilfully obstructs any Person acting under the Authority or employed in the Execution of this Act, and whosoever wilfully violates any Direction or Regulation issued by the General Board of Health as aforesaid, shall be liable for every such Offence to a Penalty not exceeding Five Pounds, to be appropriated in or towards the defraying the Expenses of executing this Act.

Certain Pro-
visions of
Nuisances
Removal
Act to apply
to this Act.

XV. The Provisions of any General Act in force for the Removal of Nuisances, with regard to the Service of Notices, the Proof of Orders or Resolutions of the Local Authority, and the Recovery of Penalties, shall extend and apply to this Act.

LONDON :

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ANNO DECIMO OCTAVO & DECIMO NONO

VICTORIÆ REGINÆ.

C A P. CXXI.

An Act to consolidate and amend the Nuisances
Removal and Diseases Prevention Acts, 1848
and 1849. [14th August 1855.]

WHEREAS the Provisions of "The Nuisances Removal and Diseases Prevention Act, 1848," amended by "The Nuisances Removal and Diseases Prevention Amendment Act, 1849," are defective, and it is expedient to repeal the said Acts, as far as relates to *England*, and to substitute other Provisions more effectual in that Behalf: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

11 & 12 Vict.
c. 123.
12 & 13 Vict.
c. 111.

I. From and after the passing of this Act, the said Acts are by this Section repealed as far as relates to *England*: Provided always, that all Proceedings commenced or taken under the said Acts, and not yet completed, may be proceeded with under the said Acts; and all Contracts or Works undertaken by virtue of the said Acts shall continue and be as effectual as if the said Acts had not been repealed.

Recited Acts
repealed as
far as relates
to England,
except as to
Proceedings
commenced.

*Nuisances Removal and Diseases Prevention Acts
Consolidation and Amendment.*

Interpreta-
tion of cer-
tain Terms
used in this
Act.

II. In this Act the following Words and Expressions have the Meanings by this Section herein-after assigned to them, unless such Meanings be repugnant to or inconsistent with the Context; (that is to say,) the Word "Place" includes any City, Borough, District under the Public Health Act, Parish, Township, or Hamlet, or Part of any such City, Borough, District, Town, Parish, Township, or Hamlet; the Word "Guardians" includes the Directors, Wardens, Overseers, Governors, or other like Officers having the Management of the Poor for any Parish or Place where the Matter or any Part of the Matter requiring the Cognizance of any such Officer arises; the Word "Borough," and the Expressions "Mayor, Aldermen, and Burgesses," "Council," and "Borough Fund," have respectively the same Meaning as in the Acts for the Regulation of Municipal Corporations, and shall also respectively mean, include, and apply to any Royal Borough, Royal Town, or other Town having a Warden, High Bailiff, Borough Reeve, or other Chief Officer, and Burgesses or Inhabitants, however designated, associated with him in the Government or Management thereof, or any Town or Place having a Governing Body therein in the Nature of a Corporation or otherwise, and to the Chief Officers and Governing Bodies of such Boroughs, Towns, and Places, and to the Funds and Property under the Management of or at the Disposal of such Chief Officers and Governing Bodies; the Expression "Improvement Act" means an Act for regulating and managing the Police of, and for draining, cleansing, paving, lighting, watching, and improving a Place, and an Act for any of those Purposes; the Word "Owner" includes any Person receiving the Rents of the Property in respect of which that Word is used from the Occupier of such Property on his own Account, or as Trustee or Agent for any other Person, or as Receiver or Sequestrator appointed by the Court of Chancery or under any Order thereof, or who would receive the same if such Property were let to a Tenant; the Word "Premises" extends to all Messuages, Lands, or Tenements, whether open or inclosed, whether built on or not, and whether public or Private; the Word "Parish" includes every Township or Place separately maintaining its Poor or separately maintaining its own Highways; the Expression "Quarter Sessions" means the Court of General or Quarter Sessions of the Peace for a County, Riding or Division of a County, City, or Borough; the Word "Person," and Words applying to any Person or Individual, apply to and include Corporations, whether aggregate or sole; and the Expression "Two Justices" shall, in addition to its ordinary Signification, mean One Stipendiary or Police Magistrate acting in any Police Court for the District.

PART

*Nuisances Removal and Diseases Prevention Acts
Consolidation and Amendment.*

PART I.

And with respect to the Constitution of the Local Authority for the Execution of this Act, the Expenses of its Execution, the Description of Nuisances that may be dealt with under it, and the Powers of Entry for the Purposes of the Act, be it enacted thus :

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*Constitution of
Local Authority,
Expenses,
Description of
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Entry.*

III. The following Bodies shall respectively be the Local Authority to execute this Act in the Districts hereunder stated in *England* :

The Local
Authority to
execute this
Act in Places
as herein
stated.

In any Place within which the Public Health Act is or shall be in force, the Local Board of Health :

In any other Place wherein a Council exists or shall exist, the Mayor, Aldermen, and Burgesses by the Council, except in the City of *London* and the Liberties thereof, where the Local Authority shall be the Commissioners of Sewers for the Time being ; and except in the City of *Oxford* and Borough of *Cambridge*, where the Local Authority shall be the Commissioners acting in execution of the Local Improvement Acts in force respectively in the said City and Borough :

In any Place in which there is no Local Board of Health or Council, and where there are or shall be Trustees or Commissioners under an Improvement Act, such Trustees or Commissioners :

In any Place within which there is no such Local Board of Health, nor Council, Body of Trustees, or Commissioners, and where there is or shall be a Board for the Repair of the Highways of such Place, that Board :

In any Place where there is no such Local Board of Health, Council, Body of Trustees, or Commissioners, nor Highway Board, a Committee for carrying this Act into execution, by the Name of "The Nuisances Removal Committee," of which the Surveyor or Surveyors of Highways for the Time being of such Place shall be *ex officio* a Member or Members, may be annually chosen by the Vestry on the same Day as the Overseers or Surveyors of Highways, and the first of such Committees may be chosen at a Vestry to be specially held for that Purpose ; and such Committee may consist of such Number of Members as the Vestry shall determine, not being more than Twelve, exclusive of such Surveyor or Surveyors, and of such Committee Three shall be a Quorum :

In any Place wherein there is no such Local Board of Health, Council, Body of Trustees, or Commissioners, Highway Board

or

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or Committee appointed as aforesaid, and wherein there is or shall be a Board of Inspectors for Lighting and Watching under the Act 3 & 4 W. 4. c. 90., that Board with the Surveyor of Highways :

In any Place in which there is no such Local Board of Health, Council, Body of Trustees, or Commissioners, nor Highway Board, nor Committee appointed as aforesaid, nor Board of Inspectors for Lighting and Watching, the Guardians and Overseers of the Poor and the Surveyors of the Highways in and for such Place.

As to filling
up Vacan-
cies.

IV. On any Vacancy in such Nuisances Removal Committee arising from Death, Change of Residence, or otherwise, Notice shall be given by the Committee to the Churchwardens, who shall forthwith summon a Meeting of the Vestry, and fill up such Vacancy by Election; and until such Vacancy is filled up the remaining Members of the Committee may act in all respects as if their Number was complete.

Power to
Local Au-
thority to
appoint
Committees.

V. The Local Authority may appoint any Committee of their own Body to receive Notices, take Proceedings, and in all or certain specified Respects execute this Act, whereof Two shall be a Quorum; and such Local Authority, or their Committee, may, in each particular Case, by Order in Writing under the Hand of the Chairman of such Body or Committee, empower any Officer or Person to make Complaints and take Proceedings on their Behalf.

As to the
Execution of
this Act in
Extra-paro-
chial Places.

VI. In Extra-parochial Places not comprised within the Jurisdiction of any of the Local Authorities aforesaid, and having a Population of not less than Two hundred Persons, the Local Authority for the Execution of this Act shall be a Nuisances Removal Committee, elected annually by the Householders within the Extra-parochial Place:

The First Election of such Committee shall take place at a Meeting of such Householders summoned for that Purpose by the Churchwardens of the adjacent Place having the largest common Boundary with such Extra-parochial Place; and

Subsequent Elections shall be held annually on some Day in *Easter* Week at Meetings summoned by the Chairman of the Local Authority for the Year preceding:

Extra-parochial Places not so comprised as aforesaid, and having a Population of less than Two hundred Persons, shall for the Purpose

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Purpose of this Act be attached to and form Part of the adjacent Place having the largest common Boundary with the Extra-parochial Place, and Notice of Vestry Meetings for the Election of a Local Authority under and for the Purposes of this Act shall be given in such Extra-parochial Places, and the Householders within such Places may attend such Vestry Meetings, and vote on such Elections.

VII. All Charges and Expenses incurred by the Local Authority in executing this Act, and not recovered, as by this Act provided, may be defrayed as follows; to wit,

As to defraying Expenses of executing this Act.

Out of General District Rates, where the Local Authority is a Local Board of Health;

Out of the Borough Fund or Borough Rate, where the Local Authority is the Mayor, Aldermen, and Burgesses by the Council, or if there be an Improvement Act for the Borough administered by the Council, then out of Rates levied thereunder applicable to the Purposes of such Improvement Act; or in the City of *London* and the Liberties thereof, any Rates or Funds administered by the Commissioners of Sewers for the said City and Liberties:

Provided always, that in the City of *Oxford* and Borough of *Cambridge* such Expenses shall be deemed annual Charges and Expenses of cleansing the Streets of the said City and Borough respectively, and shall be so payable;

Out of the Rates levied for Purposes of Improvement under any Improvement Act, where the Local Authority is a Body of Trustees or Commissioners acting in execution of the Powers of such an Act;

Out of Highway Rates, or any Fund applicable in aid or in lieu thereof, where the Local Authority is a Highway Board, or a Nuisances Removal Committee;

Out of the Rates for Lighting and Watching, where the Local Authority is a Board of Inspectors appointed for Lighting and Watching;

And if there be no such Rates or Funds, or if the Local Authority be the Guardians and Surveyors of Highways, then out of the Rates or Funds applicable to the Relief of the Poor of the Parish or Place wherein such Rates or Funds are collected or arise, if such Parish or Place be co-extensive with the District within which the Charges and Expenses are incurred, but if such Parish or Place be now or hereafter shall be partly comprised within and

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partly without the Limits of a Place where a Local Authority other than a Highway Board, Nuisance Removal Committee, Inspectors of Watching and Lighting, and Surveyors or Guardians and Surveyors, exists or shall exist, all the Charges and Expenses incurred in the District comprising that Part of the Parish or Place which is excluded from such Limits shall be defrayed out of any Highway Rate or Rates, or any Funds applicable in lieu thereof, collected or raised within the Part so excluded; and if there be more than One Highway Rate collected within such District, the Local Authority shall settle the Proportion in which the respective Parties or Places liable thereto shall bear such Charges and Expenses; and if any Portion of such excluded Part be exempt from such Highway Rate or Rates, then all the Charges and Expenses incurred in the whole of such excluded Part shall be defrayed out of any District Police Rate or other Rate which may by the Act 12 & 13 Vict. Cap. 65. be raised and assessed upon such excluded Part :

And when the Local Authority has not Control of such Rates or Funds, the Officer or Person having the Custody or Control thereof shall pay over the Amount to the Local Authority on the Order of Two Justices, directed to such Officer or Person; and on Neglect or Refusal to pay the Sum specified in such Order for Six Days after the Service thereof, the same may, by Warrant under the Hands of the same or any Two Justices, be levied by Distress and Sale of the Goods and Chattels of the Officer or Person in default, and such Levy shall include the Costs of such Distress and Sale :

In Extra-parochial Places having a Population of not less than Two hundred Persons, out of a Rate assessed by the Local Authority on all such Property in the Place as would be assessable to Highway Rate if such Rate were levied therein :

In Extra-parochial Places having a Population of less than Two hundred Persons, out of a similar Rate assessed by the Surveyor of Highways of the adjacent Place having the largest common Boundary with such Extra-parochial Place :

And the Local Authority in the First Case, and the Surveyor of Highways in the Second, may levy and collect the Sums so assessed, in the same Manner, and with the same Remedies in case of any Default in Payment thereof, and with the same Right of Appeal against the Amount of such Assessment reserved to the Person assessed, as are provided by the Law in force for the Time being with regard to Rates for the Repair of Highways.

VIII. The

*Nuisances Removal and Diseases Prevention Acts
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VIII. The Word "Nuisances" under this Act shall include—

Any Premises in such a State as to be a Nuisance or injurious to Health :

Any Pool, Ditch, Gutter, Watercourse, Privy, Urinal, Cesspool, Drain, or Ashpit, so foul as to be a Nuisance or injurious to Health :

Any Animal so kept as to be a Nuisance or injurious to Health :

Any Accumulation or Deposit which is a Nuisance or injurious to Health :

Provided always, that no such Accumulation or Deposit as shall be necessary for the effectual carrying on of any Business or Manufacture shall be punishable as a Nuisance under this Section, when it is proved to the Satisfaction of the Justices that the Accumulation or Deposit has not been kept longer than is necessary for the Purposes of such Business or Manufacture, and that the best available Means have been taken for protecting the Public from Injury to Health thereby.

What are deemed Nuisances under this Act.

IX. The Local Authority shall for the Purposes of this Act appoint or employ, or join with other Local Authorities in appointing or employing, a Sanitary Inspector or Inspectors, and may appoint a convenient Place for his or their Office, and may allow to every such Person on account of his Employment a proper Salary or Allowance ; and where Local Authorities join in such Appointment or Employment they may apportion among themselves the Payment of such Salary or Allowance : Provided always, that where the Local Authority has already appointed an Officer who executes the Duties of such Inspector under any Improvement Act, it shall not be necessary to appoint any other Inspector under this Act, but the Inspector acting in execution of the Improvement Act shall have all the Powers, Authorities, and Privileges granted to any Inspector appointed under this Act.

Power to Local Authority to appoint a Sanitary Inspector, and allow him a proper Salary.

X. Notice of Nuisance may be given to the Local Authority by any Person aggrieved thereby, or by any of the following Persons ; the Sanitary Inspector or any paid Officer under the said Local Authority ; Two or more Inhabitant Householdors of the Parish or Place to which the Notice relates ; the Relieving Officer of the Union or Parish ; any Constable or any Officer of the Constabulary or Police Force of the District or Place ; and in case the Premises be a Common Lodging House, any Person appointed for the Inspection of Common Lodging Houses ; and the Local Authority may take cognizance of any such Nuisance after Entry made as herein-after provided, or in conformity with any Improvement Act under which the Inspector has been appointed.

Notice of Nuisances to be given to Local Authority, &c. to ground Proceedings.

XI. The

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PART I.
Constitution of
Local Authority,
Expenses,
Description of
Nuisances, and
Powers of
Entry.

Power of
Entry to
Local Authority or their
Officer.

XI. The Local Authority shall have Power of Entry for the following Purposes of this Act, and under the following Conditions:—

1. To ground Proceedings.

For this Purpose, when they or any of their Officers have reasonable Grounds for believing that a Nuisance exists on any private Premises, Demand may be made by them or their Officer, on any Person having Custody of the Premises, of Admission to inspect the same at any Hour between Nine in the Morning and Six in the Evening; and if Admission be not granted, any Justice having Jurisdiction in the Place may, on Oath made before him of Belief in the Existence of the Nuisance, and after reasonable Notice of the intended Application to such Justice being given in Writing to the Party on whose Premises the Nuisance is believed to exist, by Order under his Hand require the Person having the Custody of the Premises to admit the Local Authority or their Officer; and if no Person having Custody of the Premises can be discovered, any such Justice may and shall, on Oath made before him of Belief in the Existence of such Nuisance, and of the Fact that no Person having Custody of the Premises can be discovered, by Order under his Hand authorize the Local Authority or their Officers to enter the Premises between the Hours aforesaid.

2. To examine Premises where Nuisances exist to ascertain the Course of Drains, and to execute or inspect Works ordered by Justices to be done under this Act.

For these Purposes, whenever, under the Provisions of this Act, a Nuisance has been ascertained to exist, or when an Order of Abatement or Prohibition under this Act has been made, or when it becomes necessary to ascertain the Course of a Drain, the Local Authority may enter on the Premises, by themselves or their Officers, between the Hours aforesaid, until the Nuisance shall have been abated or the Course of the Drain shall have been ascertained, or the Works ordered to be done shall have been completed, as the Case may be.

3. To remove or abate a Nuisance in case of Noncompliance with or Infringement of the Order of Justices, or to inspect or examine any Carcase, Meat, Poultry, Game, Flesh, Fish, Fruit, Vegetables, Corn, Bread, or Flour, under the Powers and for the Purposes of this Act.

For this Purpose the Local Authority or their Officer may from Time to Time enter the Premises where the Nuisance exists, or the Carcase, Meat, Poultry, Game, Flesh, Fish, Fruit, Vegetables, Corn, Bread, or Flour is found, at all reasonable Hours, or at all Hours during which Business is carried on on such Premises, without Notice.

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PART II.

With regard to the Removal of Nuisances, be it enacted thus :

XII. In any Case where a Nuisance is so ascertained by the Local Authority to exist, or where the Nuisance in their Opinion did exist at the Time when the Notice was given, and, although the same may have been since removed or discontinued, is in their Opinion likely to recur or to be repeated on the same Premises or any Part thereof, they shall cause Complaint thereof to be made before a Justice of the Peace; and such Justice shall thereupon issue a Summons requiring the Person by whose Act, Default, Permission, or Sufferance the Nuisance arises or continues, or, if such Person cannot be found or ascertained, the Owner or Occupier of the Premises on which the Nuisance arises, to appear before any Two Justices, in Petty Sessions assembled, at the usual Place of Meeting, who shall proceed to inquire into the said Complaint; and if it be proved to their Satisfaction that the Nuisance exists, or did exist at the Time when the Notice was given, or, if removed or discontinued since the Notice was given, that it is likely to recur or to be repeated, the Justices shall make an Order in Writing under their Hands and Seals on such Person, Owner, or Occupier for the Abatement or Discontinuance and Prohibition of the Nuisance as herein-after mentioned, and shall also make an Order for the Payment of all Calls incurred up to the Time of hearing or making the Order for Abatement or Discontinuance or Prohibition of the Nuisance.

PART II.

*With regard to
Removal
of Nuisances.*

Proceedings
by Local
Authority
before Jus-
tices in the
Case of
Nuisances
likely to
recur, &c.

If proved to
Justices that
Nuisance
exists, &c.
they shall
issue Order
for Abate-
ment, &c.

XIII. By their Order the Justices may require the Person on whom it is made to provide sufficient Privy Accommodation, Means of Drainage or Ventilation, or to make safe and habitable, or to pave, cleanse, whitewash, disinfect, or purify the Premises which are a Nuisance or injurious to Health, or such Part thereof as the Justices may direct in their Order, or to drain, empty, cleanse, fill up, amend, or remove the injurious Pool, Ditch, Gutter, Watercourse, Privy, Urinal, Cesspool, Drain, or Ashpit which is a Nuisance or injurious to Health, or to provide a Substitute for that complained of, or to carry away the Accumulation or Deposit which is a Nuisance or injurious to Health, or to provide for the cleanly and wholesome keeping of the Animal kept so as to be a Nuisance or injurious to Health, or if it be proved to the Justices to be impossible so to provide, then to remove the Animal, or any or all of these Things (according to the Nature of the Nuisance), or to do such other Works or Acts as are necessary to abate the Nuisance complained of, in such Manner and within such Time as in such Order shall

Justices
Order for
Abatement.

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PART II.
With regard to
Removal
of Nuisances.

Prohibitive
Order
against
future Nui-
sance.

be specified; and if the Justices are of opinion that such or the like Nuisance is likely to recur, the Justices may further prohibit the Recurrence of it, and direct the Works necessary to prevent such Recurrence, as the Case may in the Judgment of such Justices require; and if the Nuisance proved to exist be such as to render a House or Building, in the Judgment of the Justices, unfit for Human Habitation, they may prohibit the using thereof for that Purpose until it is rendered fit for that Purpose in the Judgment of the Justices, and on their being satisfied that it has been rendered fit for such Purpose they may determine their previous Order by another declaring such House habitable, from the Date of which other Order such House may be let or inhabited.

Penalty for
Contraven-
tion of Order
of Abate-
ment; and
of Prohibi-
tion.

Local Autho-
rity may
enter and
remove or
abate Nui-
sance.

XIV. Any Person not obeying the said Order for Abatement shall, if he fail to satisfy the Justices that he has used all due Diligence to carry out such Order, be liable for every such Offence to a Penalty of not more than Ten Shillings *per* Day during his Default; and any Person knowingly and wilfully acting contrary to the said Order of Prohibition shall be liable for every such Offence to a Penalty not exceeding Twenty Shillings *per* Day during such contrary Action; and the Local Authority may, under the Powers of Entry given by this Act, enter the Premises to which the Order relates, and remove or abate the Nuisance condemned or prohibited, and do whatever may be necessary in execution of such Order, and charge the Cost to the Person on whom the Order is made, as hereinafter provided.

Appeal
against
Order of
Prohibition.

XV. Any such Order of Prohibition may be appealed against as provided in this Act.

Appeal
against
Order of
Abatement
when struc-
tural Works
are required.

XVI. When it shall appear to the Justices that the Execution of structural Works is required for the Abatement of a Nuisance, they may direct such Works to be carried out under the Direction or with the Consent or Approval of any Public Board, Trustees, or Commissioners having Jurisdiction in the Place in respect of such Works; and if within Seven Days from the Date of the Order the Person on whom it is made shall have given Notice to the Local Authority of his Intention to appeal against it as provided in this Act, and shall have entered into Recognizances to try such Appeal as provided by this Act, and shall appeal accordingly, no Liability to Penalty shall arise, nor shall any Work be done nor Proceedings taken under such Order until after the Determination of such Appeal, unless such Appeal cease to be prosecuted.

XVII. When

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XVII. Whenever it appears to the Satisfaction of the Justices that the Person by whose Act or Default the Nuisance arises, or the Owner or Occupier of the Premises, is not known or cannot be found, then such Order may be addressed to and executed by such Local Authority, and the Cost defrayed out of the Rates or Funds applicable to the Execution of this Act.

If Person causing Nuisance cannot be found, Local Authority to execute Order at once.

XVIII. Any Matter or Thing removed by the Local Authority in pursuance of this Enactment may be sold by Public Auction, after not less than Five Days Notice by Posting Bills distributed in the Locality, unless in Cases where the Delay would be prejudicial to Health, when the Justices may direct the immediate Removal, Destruction, or Sale of the Matter or Thing; and the Money arising from the Sale retained by the Local Authority, and applied in Payment of all Expenses incurred under this Act with reference to such Nuisance, and the Surplus, if any, shall be paid, on Demand, by the Local Authority, to the Owner of such Matter or Thing.

Manure, &c. to be sold.

XIX. All reasonable Costs and Expenses from Time to Time incurred in making a Complaint, or giving Notice, or in obtaining an Order of Justices under this Act, or in carrying the same into effect under this Act, shall be deemed to be Money paid for the Use and at the Request of the Person on whom the Order is made, or if the Order be made on the Local Authority, or if no Order be made, but the Nuisance be proved to have existed when the Complaint was made or the Notice given, then of the Person by whose Act or Default the Nuisance was caused; and in case of Nuisances caused by the Act or Default of the Owner of Premises, the said Premises shall be and continue chargeable with such Costs and Expenses, and also with the Amount of any Penalties incurred under this Act, until the same be fully discharged, provided that such Costs and Expenses shall not exceed in the whole One Year's Rackrent of the Premises; and such Costs and Expenses, and Penalties, together with the Charges of suing for the same, may be recovered in any County or Superior Court, or, if the Local Authority think fit, before any Two Justices of the Peace; and the said Justices shall have Power to divide such Costs, Expenses, and Penalties between the Persons by whose Act or Default the Nuisance arises, in such Manner as they shall consider reasonable; and if it appear to them that a Complaint made under this Act is frivolous or unfounded, they may order the Payment by the Local Authority or Person making the Complaint of the Costs incurred by the Person against whom the Complaint is made, or any Part thereof.

Costs and Expenses of Works to be paid by Person on whom Order is made, or Owner or Occupier.

XX. Where

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PART II.
With regard to
Removal
of Nuisances.

Proceedings
before Jus-
tices to re-
cover Ex-
penses.

XX. Where any Costs, Expenses, or Penalties are due under or in consequence of any Order of Justices made in pursuance of this Act as aforesaid, any Justice of the Peace, upon the Application of the Local Authority, shall issue a Summons requiring the Person from whom they are due to appear before Two Justices at a Time and Place to be named therein; and upon Proof to the Satisfaction of the Justices present that any such Costs, Expenses, or Penalties are so due, such Justices, unless they think fit to excuse the Party summoned upon the Ground of Poverty or other special Circumstances, shall, by Order in Writing under their Hands and Seals, order him to pay the Amount to the Local Authority at once, or by such Instalments as the Justices think fit, together with the Charges attending such Application and the Proceedings thereon; and if the Amount of such Order, or any Instalment thereof, be not paid within Fourteen Days after the Sum is due, the same may, by Warrant of the said or other Justices, be levied by Distress and Sale.

Surveyors of
Highways
to cleanse
Ditches, &c.,
paying
Owners, &c.
for Damages.

XXI. All Surveyors and District Surveyors may make, scour, cleanse, and keep open all Ditches, Gutters, Drains, or Watercourses in and through any Lands or Grounds adjoining or lying near to any Highway, upon paying the Owner or Occupier of such Lands or Grounds, provided they are not Waste or Common, for the Damages which he shall thereby sustain, to be settled and paid in such Manner as the Damages for getting Materials in enclosed Lands or Grounds are directed to be settled and paid by the Law in force for the Time being with regard to Highways.

Power to
Local Author-
ity to cover
and improve
open Ditches,
&c.

XXII. Whenever any Ditch, Gutter, Drain, or Watercourse used or partly used for the Conveyance of any Water, Filth, Sewage, or other Matter from any House, Buildings, or Premises is a Nuisance within the Meaning of this Act, and cannot, in the Opinion of the Local Authority, be rendered innocuous without the laying down of a Sewer or of some other Structure along the same or Part thereof or instead thereof, such Local Authority shall and they are hereby required to lay down such Sewer or other Structure, and to keep the same in good and serviceable Repair; and they are hereby declared to have the same Powers as to entering Lands for the Purposes thereof, and to be entitled to recover the same Penalties in case of Interference, as are contained in the Sixty-seventh and Sixty-eighth Sections of the Act passed in the Fifth and Sixth-Years of the Reign of King *William* the Fourth, intituled *An Act for consolidating and amending the Laws relating to Highways* in

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in England; and such Local Authority are hereby authorized and empowered to assess every House, Building, or Premises then or at any Time thereafter using for the Purposes aforesaid the said Ditch, Gutter, Drain, Watercourse, Sewer, or other Structure, to such Payment, either immediate or annual, or distributed over a Term of Years, as they shall think just and reasonable, and, after Fourteen Days Notice at the least left on the Premises so assessed, to levy and collect the Sum and Sums so assessed in the same Manner, and with the same Remedies in case of Default in Payment thereof, as Highway Rates are by the Law in force for the Time being leviable and collectable, and with the same Right and Power of Appeal against the Amount of such Assessments reserved to the Person or Persons so assessed as by the Law for the Time being in force shall be given against any Rate made for the Repair of the Highways; and the Provisions contained in this Section shall be deemed to be Part of the Law relating to Highways in *England*: Provided always, that where such Ditch, Gutter, Drain, or Watercourse shall, as to Parts thereof, be within the Jurisdiction of different Local Authorities, this Enactment shall apply to each Local Authority only as to so much of the Works hereby required, and the Expenses thereof, as is included within the respective Jurisdiction of that Authority: Provided also, that such Assessment shall in no Case exceed a Shilling in the Pound on the Assessment to the Highway Rate, if any.

XXIII. Any Person or Company engaged in the Manufacture of Gas who shall at any Time cause or suffer to be brought or to flow into any Stream, Reservoir, or Aqueduct, Pond, or Place for Water, or into any Drain communicating therewith, any Washing or other Substance produced in making or supplying Gas, or shall wilfully do any Act connected with the making or supplying of Gas whereby the Water in any such Stream, Reservoir, Aqueduct, Pond, or Place for Water shall be fouled, shall forfeit for every such Offence the Sum of Two hundred Pounds.

Penalty for causing Water to be corrupted by Gas Washings.

XXIV. Such Penalty may be recovered, with full Costs of Suit, in any of the Superior Courts, by the Person into whose Water such Washing or other Substance shall be conveyed or shall flow, or whose Water shall be fouled by any such Act as aforesaid, or if there be no such Person, or in default of Proceedings by such Person, after Notice to him from the Local Authority of their Intention to proceed for such Penalty, by the Local Authority; but such Penalty shall not be recoverable unless it be sued for during the Continuance of the Offence, or within Six Months after it shall have ceased.

Penalty to be sued for in Superior Courts within Six Months.

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Removal
of Nuisances.

Daily Pen-
alty during
the Con-
tinuance of
the Offence.

XXV. In addition to the said Penalty of Two hundred Pounds (and whether such Penalty shall have been recovered or not), the Person or Company so offending shall forfeit the Sum of Twenty Pounds (to be recovered in the like Manner) for each Day during which such Washing or other Substance shall be brought or shall flow as aforesaid, or during which the Act by which such Water shall be fouled shall continue, after the Expiration of Twenty-four Hours from the Time when Notice of the Offence shall have been served on such Person or Company by the Local Authority, or the Person into whose Water such Washing or other Substance shall be brought or flow, or whose Water shall be fouled thereby, and such Penalty shall be paid to the Parties from whom such Notice shall proceed; and all Monies recovered by a Local Authority under this or the preceding Section shall, after Payment of any Damage caused by the Act for which the Penalty is imposed, be applied towards defraying the Expenses of executing this Act.

Penalty on
Sale of un-
wholesome
Meat, &c.

XXVI. The Sanitary Inspector may at all reasonable Times inspect and examine any Carcase, Meat, Poultry, Game, Flesh, Fish, Fruit, Vegetables, Corn, Bread, or Flour exposed for Sale, or in the course of or on their Way to slaughtering, dressing, or Preparation for Sale or Use, or landed from any Ship or Vessel in any Port in *England*; and in case any such Carcase, Meat, Poultry, Game, Flesh, Fish, Fruit, Vegetables, Corn, Bread, or Flour appear to him to be unfit for such Food, the same may be seized; and if it appear to a Justice that any such Carcase, Meat, Poultry, Game, Flesh, Fish, Fruit, Vegetables, Corn, Bread, or Flour is unfit for the Food of Man, he shall order the same to be destroyed or to be so disposed of as to prevent its being exposed for Sale or used for such Food; and the Person to whom such Carcase, Meat, Poultry, Game, Flesh, Fish, Fruit, Vegetables, Corn, Bread, or Flour belongs, or in whose Custody the same is found, shall be liable to a Penalty not exceeding Ten Pounds for every Carcase, Fish, or Piece of Meat, Flesh, or Fish, or any Poultry or Game, or for the Parcel of Fruit, Vegetables, Corn, Bread, or Flour so found.

As to
Nuisances
arising in
Cases of
noxious
Trades,
Businesses,
Processes,
or Manu-
factures.

XXVII. If any Candle House, Melting House, Melting Place, or Soaphouse, or any Slaughterhouse, or any Building or Place for boiling Offal or Blood, or for boiling, burning, or crushing Bones, or any Manufactory, Building, or Place used for any Trade, Business, Process, or Manufacture causing Effluvia, be at any Time certified to the Local Authority by any Medical Officer, or any Two legally qualified Medical Practitioners, to be a Nuisance or injurious to the Health of the Inhabitants of the Neighbourhood, the Local Authority shall direct Complaint to be made before any Justice, who may
summon

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summon before any Two Justices in Petty Sessions assembled at their usual Place of Meeting the Person by or in whose Behalf the Work so complained of is carried on, and such Justices shall inquire into such Complaint, and if it shall appear to such Justices that the Trade or Business carried on by the Person complained against is a Nuisance, or causes any Effluvia injurious to the Health of the Inhabitants of the Neighbourhood, and that such Person shall not have used the best practicable Means for abating such Nuisance or preventing or counteracting such Effluvia, the Person so offending (being the Owner or Occupier of the Premises, or being a Foreman or other Person employed by such Owner or Occupier,) shall, upon a summary Conviction for such Offence, forfeit and pay a Sum of not more than Five Pounds nor less than Forty Shillings, and upon a Second Conviction for such Offence the Sum of Ten Pounds, and for each subsequent Conviction a Sum double the Amount of the Penalty imposed for the last preceding Conviction, but the highest Amount of such Penalty shall not in any Case exceed the Sum of Two hundred Pounds: Provided always, that the Justices may suspend their final Determination in any such Case, upon Condition that the Person so complained against shall undertake to adopt, within a reasonable Time, such Means as the said Justices shall judge to be practicable and order to be carried into effect for abating such Nuisance, or mitigating or preventing the injurious Effects of such Effluvia, or shall give Notice of Appeal in the Manner provided by this Act, and shall enter into Recognizances to try such Appeal, and shall appeal accordingly: Provided always, that the Provisions hereinbefore contained shall not extend or be applicable to any Place without the Limits of any City, Town, or populous District.

XXVIII. Provided also, That if, upon his Appearance before such Justices, the Party complained against object to have the Matter determined by such Justices, and enter into Recognizances, with sufficient Sureties to be approved by the Justices, to abide the Event of any Proceedings at Law or in Equity that may be had against him on account of the Subject Matter of Complaint, the Local Authority shall thereupon abandon all Proceedings before the Justices, and shall forthwith take Proceedings at Law or in Equity in Her Majesty's Superior Courts for preventing or abating the Nuisance complained of.

Reference to Superior Court at the Option of the Party complained against.

XXIX. Whenever the Medical Officer of Health, if there be one, or, if none, whenever Two qualified Medical Practitioners, shall certify to the Local Authority that any House is so overcrowded as to be dangerous or prejudicial to the Health of the Inhabitants, and the Inhabitants shall consist of more than One Family, the Local Authority shall cause Proceedings to be taken before the Justices to abate such overcrowding, and the Justices shall thereupon make such Order as they

On Certificate of Medical Officer to Local Authority that House is overcrowded, Proceedings may be taken to abate the same.

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Removal
of Nuisances.*

Local Au-
thority to
order Costs
of Prosecu-
tions to be
paid out of
the Rates.

they may think fit, and the Person permitting such overcrowding shall forfeit a Sum not exceeding Forty Shillings.

XXX. The Local Authority may, within the Area of their Jurisdiction, direct any Proceedings to be taken at Law or in Equity in Cases coming within the Purview of this Act, and may order Proceedings to be taken for the Recovery of any Penalties, and for the Punishment of any Persons offending against the Provisions of this Act, or in relation to Appeals under this Act, and may order the Expenses of all such Proceedings to be paid out of the Rates or Funds administered by them under this Act.

PART III.
*As to Pro-
cedure under
this Act.*

Service of
Notices,
Summonses,
and Orders.

PART III.

And with regard to Procedure under this Act, be it enacted, That

XXXI. Notices, Summonses, and Orders under this Act may be served by delivering the same to or at the Residence of the Persons to whom they are respectively addressed, and where addressed to the Owner or Occupier of Premises they may also be served by delivering the same or a true Copy thereof to some Person upon the Premises, or if there be no Person upon the Premises who can be so served, by fixing the same upon some conspicuous Part of the Premises, or if the Person shall reside at a Distance of more than Five Miles from the Office of the Inspector then by a registered Letter through the Post.

Proof of
Resolutions
of Local
Authority.

XXXII. Copies of any Orders or Resolutions of the Local Authority or their Committee, purporting to be signed by the Chairman of such Body or Committee, shall, unless the contrary be shown, be received as Evidence thereof, without Proof of their meeting, or of the official Character or Signature of the Person signing the same.

As to Pro-
ceedings
taken against
several Per-
sons for the
same Offence.

XXXIII. Where Proceedings under this Act are to be taken against several Persons in respect of One Nuisance caused by the joint Act or Default of such Persons, it shall be lawful for the Local Authority to include such Persons in One Complaint, and for the Justices to include such Persons in One Summons, and any Order made in such a Case may be made upon all or any Number of the Persons included in the Summons, and the Costs may be distributed as to the Justices may appear fair and reasonable.

One or more
joint Owners
or Occupiers
may be pro-
ceeded
against alone.

XXXIV. In case of any Demand or Complaint under this Act to which Two or more Persons, being Owners or Occupiers of Premises or partly the one or partly the other, may be answerable jointly or in common

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common or severally, it shall be sufficient to proceed against any One or more of them without proceeding against the others or other of them ; but nothing herein contained shall prevent the Parties so proceeded against from recovering Contribution in any Case in which they would now be entitled to Contribution by Law.

XXXV. Whenever in any Proceeding under this Act, whether written or otherwise, it shall become necessary to mention or refer to the Owner or Occupier of any Premises, it shall be sufficient to designate him as the " Owner " or " Occupier " of such Premises, without Name or further Description.

Designation
of " Owner "
or " Occu-
pier."

XXXVI. Whoever refuses to obey an Order of Justices under this Act for Admission on Premises of the Local Authority or their Officers, or wilfully obstructs any Person acting under the Authority or employed in the Execution of this Act, shall be liable for every such Offence to a Penalty not exceeding Five Pounds.

Penalty for
obstructing
Execution
of this Act.

XXXVII. If the Occupier of any Premises prevent the Owner thereof from obeying or carrying into effect the Provisions of this Act, any Justice to whom Application is made in this Behalf shall by Order in Writing require such Occupier to desist from such Prevention, or to permit the Execution of the Works required to be executed, provided that such Works appear to such Justice to be necessary for the Purpose of obeying or carrying into effect the Provisions of this Act ; and if within Twenty-four Hours after the Service of such Order the Occupier against whom it is made do not comply therewith, he shall be liable to a Penalty not exceeding Five Pounds for every Days afterwards during the Continuance of such Noncompliance.

Penalty on
Occupier ob-
structing
Owner.

XXXVIII. Penalties imposed by this Act for Offences committed and Sums of Money ordered to be paid under this Act may be recovered by Persons thereto competent in *England* according to the Provisions of the Act of the Eleventh and Twelfth Years of the present Reign, Chapter Forty-three ; and all Penalties recovered by the Local Authority under this Act shall be paid to them, to be by them applied in aid of their Expenses under this Act.

Penalties
and Ex-
penses re-
coverable
under
11 & 12 Vict.
c. 43.

XXXIX. No Order, nor any other Proceeding, Matter, or Thing done or transacted in or relating to the Execution of this Act, shall be vacated, quashed, or set aside for Want of Form, nor shall any Order, nor any other Proceeding, Matter, or Thing done or transacted in relation to the Execution of this Act, be removed or removable

Proceedings
not to be
quashed for
Want of
Form.

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cedure under
this Act.

by Certiorari, or by any other Writ or Process whatsoever, into any of the Superior Courts; and Proceedings under this Act against several Persons included in One Complaint shall not abate by reason of the Death of any among the Persons so included, but all such Proceedings may be carried on as if the deceased Person had not been originally so included.

Appeals
under this
Act to be to
Quarter
Sessions.

XL. Appeals under this Act shall be to the Court of Quarter Sessions held next after the making of the Order appealed against; but the Appellant shall not be heard in support of the Appeal unless within Fourteen Days after the making of the Order appealed against he give to the Local Authority Notice in Writing stating his Intention to bring such Appeal, together with a Statement in Writing of the Grounds of Appeal, and shall within Two Days of giving such Notice enter into a Recognizance before some Justice of the Peace, with sufficient Securities, conditioned to try such Appeal at the said Court, and to abide the Order of and pay such Costs as shall be awarded by the Justices at such Court or any Adjournment thereof; and the said Court, upon hearing and finally determining the Matter of the Appeal, may, according to its Discretion, award such Costs to the Party appealing or appealed against as they shall think proper, and its Determination in or concerning the Premises shall be conclusive and binding on all Persons to all Intents or Purposes whatsoever: Provided always, that if there be not Time to give such Notice and enter into such Recognizance as aforesaid, then such Appeal may be made to, and such Notice, Statement, and Recognizance be given and entered into for, the next Sessions at which the Appeal can be heard; provided also, that on the Hearing of the Appeal no Grounds of Appeal shall be gone into or entertained other than those set forth in such Statement as aforesaid; provided also, that in any Case of Appeal the Court of Quarter Sessions may, if they think fit, state the Facts specially for the Determination of Her Majesty's Court of Queen's Bench, in which Case it shall be lawful to remove the Proceedings, by Writ of Certiorari or otherwise, into the said Court of Queen's Bench.

Forms to be
used as in
Schedule.

XLI. The Forms contained in the Schedule to this Act annexed, or any Forms to the like Effect, varied as Circumstances may require, may be used for Instruments under this Act, and shall be sufficient for the Purpose intended.

As to Protec-
tion of Local
Authority.

XLII. The Local Authority, and any Officer or Person acting under the Authority and in execution or intended Execution of this Act,

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Act, shall be entitled to such Protection and Privilege in Actions and Suits, and such Exemption from personal Liability, as are granted to Local Boards of Health and their Officers by the Law in force for the Time being. and its Officers.

XLIII. Nothing in this Act shall be construed to affect the Provisions of any Local Act as to Matters included in this Act, nor to impair, abridge, or take away any Power, Jurisdiction, or Authority which may at any Time be vested in any Commissioners of Sewers or of Drainage, or to take away or interfere with any Course of Proceedings which might be resorted to or adopted by such Commissioners if this Act had not passed, nor to impair any Power of abating Nuisances at Common Law, nor any Jurisdiction in respect of Nuisances that may be possessed by any Authority under the Act intituled *An Act to abate the Nuisances arising from the Smoke of Furnaces in the Metropolis, and from Steam Vessels above London Bridge*, or the Common Lodging Houses Acts, the Act for the Regulation of Municipal Corporations, the Public Health Act, or any Improvement Act respectively, or any Acts incorporated with such Acts, and Authorities may respectively proceed for the Abatement of Nuisances or in respect of any other Matter or Thing herein-before provided or referred to either under the Acts mentioned in this Section or any other Act conferring Jurisdiction in respect of the Nuisances referred to in this Act, or any Byelaws framed under any such Act, as they may think fit; and the Local Authorities constituted under and for the Purposes of the Common Lodging House Acts, 1851 and 1853, shall for the Purposes of those Acts have all the Powers of Local Authorities under this Act. Act not to impair Jurisdiction of Sewers Commissioners, or Common Law Remedies for Nuisance, nor Jurisdiction of Local Authority as to the Nuisances referred to in this Act.

XLIV. Nothing herein contained shall enable any Local Authority, Surveyor of Highways, or other Person, either with or without any Order of Justices, to injuriously affect the Navigation of any River or Canal, or to divert or diminish any Supply of Water of right belonging to any such River or Canal; and the Provisions of this Act shall not extend or be construed to extend to Mines of different Descriptions so as to interfere with or obstruct the efficient working of the same, or to the smelting of Ores and Minerals, or to the manufacturing of the Produce of such Ores and Minerals. Act not to affect Navigation of Rivers or Canals.

XLV. No Power given by this Act shall be exercised in such Manner as to injuriously affect the Supply, Quality, or Fall of Water contained in any Reservoir or Stream, or any Feeders of such Reservoir or Stream, belonging to or supplying any Waterwork established by Act of Parliament, or in Cases where any Company or Saving as to Rights of Millowners, &c.

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cedure under
this Act.*

or Individual are entitled for their own Benefit to the Use of such Reservoir or Stream, or to the Supply of Water contained in such Feeders, without the Consent in Writing of the Company or Corporation in whom such Waterworks may be vested, or of the Parties so entitled to the Use of such Reservoirs, Streams, and Feeders, and also of the Owners thereof in Cases where the Owners and Parties so entitled are not the same Person.

Short Title. XLVI. In citing this Act in other Acts of Parliament, and in legal Instruments and other Proceedings, it shall be sufficient to use the Words "The Nuisances Removal Act for *England*, 1855."

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SCHEDULE OF FORMS.

FORM (A.)

Order of Justices for Admission of Officer of Local Authority to inspect private Premises.

WHEREAS [*describe the Local Authority*] have by their Officer [*naming him*] made Application to me, *A.B.*, One of Her Majesty's Justices of the Peace having Jurisdiction in and for [*describe the Place*], and the said Officer has made Oath to me of his Belief that a Nuisance within the Meaning of the Nuisances Removal Act for England, 1855, viz. [*describe Nuisance*], exists on private Premises at [*describe Situation of Premises so as to identify them*], within my Jurisdiction, and Demand of Admission to such Premises for the Inspection thereof has been duly made under the said Act, and refused:

Now, therefore, I, the said *A.B.*, do hereby require you to admit the said [*name the Local Authority*], [*or the Officer of the said (Local Authority)*], for the Purpose of inspecting the said Premises.

Dated this Day of 18 .

A.B.

FORM (B.)

Notice of Nuisance.

To the Local Authority (*describing it*).

I [*or We*], the Person aggrieved by the Nuisance herein-after described [*or the undersigned and described Inhabitant Householders, Sanitary Inspector, or other Officer (describing him)*], do hereby give you Notice, That there exists in or upon the [*Dwelling House, Yard, etc., as the Case may be*], situate at

[*giving such Description as may be sufficient to identify the Premises*], in the Parish of in your District,

under the Nuisances Removal Act, 1855, the following Nuisance, videlicet [*describing the Nuisance, as the case may be; for instance, a Dwelling House or Building a Nuisance or injurious to Health for Want of a Privy or Drain or sufficient Means of Ventilation, or so dilapidated or so filthy as to be a Nuisance or injurious to Health, or, for further Instance, a Ditch or Drain so foul as to be a Nuisance or injurious to Health, or an Accumulation of*

a Nuisance or injurious to Health, &c., or Swine so kept as to

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be a Nuisance or injurious to Health]; and that such Nuisance is caused by [*naming the Person by whose Act or Default the Nuisance is caused, or by some Person unknown*].

Dated this Day of in the Year of
our Lord One thousand eight hundred and .

[*Signed by Complainant under Section 10.*]

FORM (C.)

Notice to Owner or Occupier of Entry for Examination.

To the Owner [*or Occupier, as the Case may be,*] of [*describe the Premises*] situate at [*insert a Description sufficient to identify the Premises*].

Take notice, That, under the Nuisances Removal Act for England, 1855, the [*Local Authority, naming it*], in whose District under the said Act the above Premises are situate, have received a Notice from [*name Complainant*], stating that *in or upon the said Premises* [*insert the Cause of Nuisance as set forth in the Notice*].

And further take notice, That after the Expiration of Twenty-four Hours from the Service of this Notice the [*Local Authority*] will cause the said Premises to be entered and examined under the Provisions of the said Act, and if the Cause of Nuisance aforesaid be found still existing, or, though removed or discontinued, be likely to be repeated, a Summons will be issued requiring your Attendance to answer a Complaint which will be made to the Justices for enforcing the Removal of the same, and prohibiting a Repetition thereof, and for recovering the Costs and Penalties that may be incurred thereby.

Dated this Day of in the Year of our
Lord One thousand eight hundred and .

A.B.,

The Officer appointed by the [*Local Authority*] to take Proceedings under the Nuisances Removal Act for England, 1855.

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FORM (D.)

Summons.

To the Owner or Occupier of [*describe Premises*] situate at
[*insert such a Description as may be sufficient to identify the
Premises*], or to A.B. of .

County of } You are required to appear before Two of Her
[or Borough of } Majesty's Justices of the Peace [or One of the
&c. or District of } Magistrates of the Police Courts of the Metro-
or as the Case may } polis, or the Stipendiary Magistrate] of the
be] to wit. } County [or other Jurisdiction] of at
the Petty Sessions [or Court] holden at on the Day
of next, at the Hour of in the noon, to
answer the Complaint this Day made to me by [or
by on behalf of] [*naming the Local Authority, as
the Case may be*], that in or upon the Premises above mentioned
[or in or upon certain Premises situate at No. in the
Street in the Parish of or such other Description
or Reference as may be sufficient to identify the Premises], in their
District, under the Nuisances Removal Act for England, 1855, the
following Nuisance exists [*describing it, as the Case may be*], and that
the said Nuisance is caused by the Act or Default of the Occupier
[or Owner] of the said Premises or by you A. B. [or in case the
Nuisance be discontinued, but likely to be repeated, say, there existed
recently, to wit, on or about the Day of on
the Premises, the following Nuisance [*describe the Nuisance*], and
that the said Nuisance was caused [&c.], and although the same has
since the said last-mentioned Day been removed or discontinued there
is reasonable Ground to consider that the same or the like Nuisance
is likely to recur on the said Premises].

Given under the Hand of me, J.P., Esquire, One of Her Majesty's
Justices of the Peace acting in and for the [*Jurisdiction*]
stated in the Margin, or One of the Magistrates of the
Police Courts of the Metropolis, or Stipendiary Magistrate
of Day of in the Year of our
Lord One thousand eight hundred and .

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FORM (E.)

Order of Justices for Removal of Nuisances by Owner, &c.

To the Owner [or Occupier] of [describe the Premises] situate
[give such Description as may be sufficient to identify the
Premises], or to A.B. of or to [giving Name
of the Local Authority,] or to their Servants or Agents, and
to all whom it may concern.

County of [or Borough, &c. of or District of or as the Case may be].	}	WHEREAS on the Day of Com- plaint was made before Esquire, One of Her Majesty's Justices of the Peace acting in and for the County [or other Juris- diction] stated in the Margin, [or before the undersigned, One of the Magistrates of the Police Courts of the Metropolis, or as the Case may be,] by [or by on behalf of] [the Local Authority, naming it, as the Case may be], that in or upon certain Premises situate at in the District under the Nuisances Removal Act for England, 1855, of the Complainants above named, the following Nuisance then existed [describing it]; and that the said Nuisance was caused by the Act or Default of the Owner [or Occupier] of the said Premises [or was caused by A.B.] (If the Nuisance have been removed, say, the following Nuisance existed on or about [the Day the Nuisance was ascertained to exist], and that the said Nuisance was caused, &c., and although the same is now removed, the same or the like Nuisance is likely to recur on the same Premises.)
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And whereas the Owner [or Occupier] within
the Meaning of the said Nuisances Removal Act, 1855, [or the said
A.B.,] hath this Day appeared before us Justices, being Two of
Her Majesty's Justices in and for , sitting in
Petty Sessions at their usual Place of Meeting, [or before me, the said
Magistrate of the Police Courts of the Metropolis, or as the Case may
be,] to answer the Matter of the said Complaint [Or in case the Party
charged do not appear, say, And whereas it hath been this Day
proved to our [or my] Satisfaction that a true Copy of a Summons
requiring the Owner [or Occupier] of the said Premises [or the said
A.B.] to appear this Day before us [or me] hath been
duly served according to the said Act]:

Now upon Proof here had before us [or me] that the Nuisance so
complained of doth exist on the said Premises, and that the same is
caused by the Act or Default of the Owner [or Occupier] of the
said

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said Premises [*or by the said A.B.*], we [*or I*], in pursuance of the said Act, do order the said Owner [*or Occupier, or A.B.*] within [*specify the Time*] from the Service of this Order or a true Copy thereof according to the said Act [*here specify the Works to be done, as, for instance, to cleanse, whitewash, purify, and disinfect the said Dwelling House; or, for further instance, to construct a Privy or Drain, &c.; or, for further instance, to cleanse or to cover or to fill up the said Cesspool, &c.*], so that the same shall no longer be a Nuisance or injurious to Health as aforesaid.

[*And if it appear to the Justices that the Nuisance is likely to recur on the Premises say [And we] [or I] being satisfied that, notwithstanding the said Cause or Causes of Nuisances may be removed under this Order, the same is or are likely to recur, do therefore prohibit the said Owner [or Occupier, or A.B.] from [here insert the Matter of the Prohibition, as, for instance, from using the said House or Building for Human Habitation until the same, in our Judgment, is rendered fit for that Purpose].*

And if the above Order for Abatement be not complied with, [*or if the above Order of Prohibition be infringed,*] then we [*or I*] do authorize and require you the said [*Local Authority, naming it,*] from Time to Time to enter upon the said Premises, and to do all such Works, Matters, and Things as may be necessary for carrying this Order into full Execution according to the Act aforesaid.

In case the Nuisance were removed before Complaint, say, [Now, upon Proof here had before us that at or recently before the Time of making the said Complaint, to wit, on as aforesaid, the Cause of Nuisance complained of did exist on the said Premises, but that the same hath since been removed, yet, notwithstanding such Removal, we [*or I*] being satisfied that it is likely that the same or the like Nuisance will recur on the said Premises, do hereby prohibit [*Order of Prohibition*]; and if this Order of Prohibition be infringed, then we [*or I*] [*Order on Local Authority to do Works*].

Given under the Hands and Seals of us, Two of Her Majesty's
Justices of the Peace in and for [*or the Hand*
and Seal of me, One of the Magistrates of the Police Courts
of the Metropolis, *or as the Case may be*], this
Day of in the Year of our Lord
One thousand eight hundred and .

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FORM (F.)

Order of Justices for Removal of Nuisance by Local Authority.

To the Town Council, &c., as the Case may be.

County, &c. } WHEREAS [*recite Complaint of Nuisance as in last Form*].
to wit.

And whereas it hath been now proved to our [or my] Satisfaction that such Nuisance exists, but that no Owner or Occupier of the Premises, or Person causing the Nuisance, is known or can be found [*as the Case may be*]: Now we [or I], in pursuance of the said Act, do order the said [*Local Authority, naming it,*] forthwith to [*here specify the Works to be done*].

Given, &c.

FORM (G.)

Order to permit Execution of Works by Owners.

County of
[or Borough of
or Metropolitan Police
District, or as the Case
may be,] to wit. } WHEREAS Complaint hath been made to me,
E.F., Esquire, One of Her Majesty's Justices of
the Peace in and for the County [or Borough,
&c.] of [or One of the Magistrates
of the Police Courts of the Metropolis, or as the Case may be, or One
of Her Majesty's Justices of the Peace, as the Case may be, of the
County of], by A.B., Owner within the Meaning of the
"Nuisances Removal Act for England, 1855," of certain Premises, to
wit, a Dwelling House [or Building, or as the Case may be], situate
at [*insert such a Description of the Premises as may be sufficient to
identify them*], in the Parish of in the said County
[or Borough, &c.], that C.D., the Occupier of the said Premises,
doth prevent the said A.B. from obeying and carrying into effect
the Provisions of the said Act, in this, to wit, that he the said C.D.
[*here describe the Act of Prevention generally, according to the Cir-
cumstances; for instance thus,* doth refuse to quit the said House,
the same having by the Order of Justices been declared unfit for
Human Habitation, or doth prevent the said A.B. from cleansing or
whitewashing or purifying the said Dwelling House, or erecting a
Privy or Drain, or breaking an Aperture for Ventilation, or cleansing
a Drain, Ditch, Gutter, Watercourse, Privy, Urinal, Cesspool, or
Ashpit which is a Nuisance or injurious to Health]: And whereas
the said C.D. has been summoned to answer the said Complaint, and
has not shown sufficient Cause against the same, and it appears
to

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to me that [*describe the Act or Works to be done*] is necessary for the Purpose of enabling the said *A.B.* to obey and carry into effect the Provisions of the said Act, I do hereby order that the said *C.D.* do permit the said *A.B.* [*describe the Act or Works to be done*] in the Manner required by the said Act.

Given under my Hand and Seal, this Day of
 in the Year of our Lord One thousand eight hundred
 and .

E.F. (L.S.)

FORM (H.)

Summons for Nonpayment of Costs, Expenses, or Penalties. Sec. 20.

To [describe
the Person from whom the Costs, Expenses, and Penalties
are due].

County of _____ } You are required to appear before Two of Her
or Borough of _____ } Majesty's Justices of the Peace [or One of the
or District of _____ } Magistrates of the Police Courts of the Metro-
to wit. _____ } politan and St. Giles's Manicott] of the

County [or other Jurisdiction] of _____ at the Petty Sessions
[or Court] holden at _____ on the _____ Day of _____

next, at the Hour of in the noon, to

answer the Complaint this Day made to me by _____ [or

by _____ on behalf of] [*naming the Local Authority*], that

the Sum of Pounds, being Costs and Expenses in-

curred by you under and in relation to a certain Complaint touching

[describe the Nuisance], and an Order of [describe the Person making

the Order] duly made in pursuance of the Nuisances Removal Act

for England, 1855, [*if Penalties are due, add*, and also the Sum

of _____ being the Amount of Penalties payable by you for _____

Disobedience of the said Order,] remains unpaid and due from you.

Given under the Hand of me, *J.P.*, Esquire, One of Her

Majesty's Justices of the Peace acting in and for the

[*Jurisdiction stated in the Margin*] [or One of the Magis-

trates of the Police Courts of the Metropolis, *or* Stipendiary

Magistrate of _____] the _____ Day of _____

in the Year of our Lord One thousand eight hundred

and $\frac{1}{2} \leq \alpha \leq 1$.

FORM (I.)

To [*name the Person on whom the Order is made*].
County, &c. } WHEREAS Complaint has been made before us [*or me*]
to wit. } for that [*recite Cause of Complaint.*]

And whereas the said [*naming the Person against whom the Complaint is made*] has this Day appeared before us the said Justices [*or before me the said Magistrate of the Police Courts of the Metropolis, or as the Case may be,*] to answer this Matter of the said Complaint : [*Or, in case the Party charged do not appear, say*]

And whereas it has been this Day satisfactorily proved to us [or me] that a true Copy of the Summons requiring the said [*naming Person charged*] to appear before us [or me] this Day hath been duly served according to the said Act : Now, having heard the Matter of the said Complaint, we [or I] do adjudge the said [*naming the Person charged*] to pay forthwith [or by Instalments of payable respectively on or before the] to the said [*naming the Person or Local Authority to whom the Costs adjudged are payable*], the Sum of for Costs in this Behalf; and to [*naming the Person or Authority to whom the Expenses are payable*] the Sum of for Expenses in this Behalf, [*if Penalties are due, add,* and the Sum of for Penalties incurred in relation to the Premises,] together with the Sum of being the Charges attending the Application for this Order and Proceedings thereon ; and if the said several Sums, amounting in the whole to [or if any One of the said Instalments] be not paid within Fourteen Days after the same is due as aforesaid, we [or I] hereby order that the same be levied by Distress and Sale of the Goods and Chattels of the said and in default of sufficient Distress in that Behalf adjudge the said to be imprisoned in the Common Gaol [or House of Correction, *as the Case may be,*] at in the said County [or *as the Case may be*] for the Space of such Time, not exceeding Three Calendar Months, as the Justices may think fit, unless the said several Sums [or Sum], and all Costs and Charges of the said Distress, [and of the Commitment and carrying of the said to the said House of Correction or Common Gaol, or *as the Case may be,*] shall be sooner paid.

Given under our [*or my*] Hands, this Day of in
the Year of our Lord One thousand eight hundred and
at in the [*County, or as the Case may be,*] aforesaid.

*Nuisances Removal and Diseases Prevention Acts
Consolidation and Amendment.*

FORM (K.)

Warrant of Distress. Sec. 20.

To the Constable of _____ and to all other Peace Officers in the
said County [*or as the Case may be*].

WHEREAS on _____ last past Complaint was made before the
undersigned, Two of Her Majesty's Justices of the Peace in and for the
said County of [*or as the Case may be*], [*or a Magistrate of the Police
Courts of the Metropolis or Stipendiary Magistrate, as the Case may
be*] for that [*&c. as in the Order*]; and thereupon, having considered
the Matter of the said Complaint, we [*or I*] adjudged the said
[*set out from Form K. the Adjudication of Payment, and the Order for
Distress and for Imprisonment in default of Distress*]: And whereas
the Time in and by the said Order appointed for the Payment of the
said several Sums of _____ and _____ hath elapsed, but the said
_____ hath not paid the same or any Part thereof within Fourteen Days after
the Date fixed by the Order for such Payment, but therein hath made
default: These are therefore to command you in Her Majesty's Name
forthwith to make Distress of the Goods and Chattels of the said *A.B.*,
and if within the Space of _____ Days after the making of such
Distress the said last-mentioned Sums, together with the reasonable
Charges of taking and keeping the said Distress, shall not be paid, that
then you do sell the said Goods and Chattels so by you distrained, and
do pay the Money arising from such Sale over to the Clerk of the
Justices of the Peace for the Division of _____ in the said [County,
or as the Case may be], that he may pay and apply the same as by
Law directed, and may render the Overplus, if any, on Demand, to
the said _____; and if no such Distress can be found, then that you
certify the same unto me, to the end that such Proceedings may be
had therein as to the Law doth appertain.

Given under our [*or my*] Hands and Seal, this _____ Day
of _____ in the Year of our Lord One thousand eight
hundred and _____ at _____ in the [County]
aforesaid.

A.B.
C.D.

(L.S.)

*Nuisances Removal and Diseases Prevention Acts
Consolidation and Amendment.*

FORM (L.)

*Return of Proceedings under Nuisances Removal Act, 1855, by
the [name the Local Authority at length].*

From 25th March 1855 to 25th March 1856.

Date of Notice.	By whom given.	Nature of Nuisance.	Proceedings taken.	Remarks :— With any special Work done under the Acts without any Notice.
16 April	The Inspector -	Foul Drainage from House.	Owner put down good Drain, on Summons, with- out Justices Order.	Several Houses being in a like Position, the Highway Sur- veyor laid down a Sewer in the old Watercourse, and each House was charged a propor- tionate Sum for the same, of which the highest Sum was 10s. Renewed once; but Penalty re- covered, and no subsequent Renewal attempted.
18 April	Two Neighbours	Offensive Cesspool.	Abated by Local Authority.	

Dated this 26th Day of March 1856. [*To be signed by the
Chairman of the Local Authority.*]

LONDON :

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ANNO VICESIMO PRIMO & VICESIMO SECUNDO

VICTORIÆ REGINÆ.

C A P. XCVII.

An Act for vesting in the Privy Council certain
Powers for the Protection of the Public Health.

[2d August 1858.]

WHEREAS under an Act of the last Session of Parliament, 20 & 21 Vict. Chapter Thirty-eight, the General Board of Health stands c. 38. continued only until the First Day of *September* One thousand eight hundred and fifty-eight: And whereas it is expedient to vest in the Privy Council certain Powers now vested in the said General Board of Health, and certain other Powers for the Protection of the Public Health: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. In addition to the Powers vested in Her Majesty's Most Honourable Privy Council for the Protection of the Public Health, all Powers now vested in the General Board of Health under the "Diseases Prevention Act, 1855," shall, upon the Discontinuance of the said Board, be vested in the said Privy Council, and the Provisions of the said Act having reference to the General Board of Health and the Regulations and Directions issued by them, except Section Thirteen, shall be construed as referring to such Privy Council and the Regulations and Directions issued by them.

Powers of General Board of Health under 18 & 19 Vict. c. 116. added to those of the Privy Council.

Public Health.

Certain
Powers in
relation to
Public
Vaccination
vested in
Privy
Council.

II. The Privy Council may from Time to Time issue such Regulations as they think fit for securing the due Qualification of Persons to be hereafter contracted with by Guardians and Overseers of Unions and Parishes in *England* for the Vaccination of Persons resident in such Unions and Parishes, and for securing the efficient Performance of Vaccination by the Persons already or hereafter to be contracted with as aforesaid; and any Money from Time to Time provided by Parliament for or towards defraying the Expenses of the National Vaccine Establishment, or otherwise providing for the Supply of Vaccine Lymph, shall be applied under the Directions of the Privy Council.

Privy
Council may
direct In-
quiries.

III. The Privy Council may from Time to Time cause to be made such Inquiries as they see fit in relation to any Matters concerning the Public Health in any Place or Places, and to the Observance of the Regulations and Directions issued by them under this Act.

Privy
Council to
appoint
Medical
Officer, &c.

IV. The Powers of appointing and removing a Medical Officer, vested in the General Board of Health under the General Board of Health Continuance Act, 1855, shall, upon the Discontinuance of that Board, be vested in the Privy Council; and the Person who at the Time of the Cesser of the General Board of Health may be their Medical Officer shall become the Medical Officer of the Privy Council subject to such Power of Removal as aforesaid; and the Privy Council may also from Time to Time employ such other Persons as they deem necessary for the Purposes of this Act; and there shall be paid to the Medical Officer such Salary not exceeding Fifteen hundred Pounds *per Annum*, and to such other Persons such Remuneration and Allowances, as the Commissioners of Her Majesty's Treasury may direct; and such Salary, Remuneration, and Allowances shall be paid out of such Monies as shall be provided by Parliament.

Medical
Officer to
report
annually as
to the Exe-
cution of this
Act.

V. The Medical Officer shall from Time to Time report to the Privy Council in relation to any Matters concerning the Public Health or such Matters as may be referred to him for that Purpose; and shall, in or before the Month of *March* in each Year, report to the Privy Council the Proceedings had and taken under this Act during the preceding Year ending on the Thirty-first Day of *December*.

Reports to
be laid
before
Parliament.

VI. The Annual Report made by the Medical Officer as aforesaid shall be laid before both Houses of Parliament within Fourteen Days after the making thereof, if Parliament be sitting, and if not, then within Fourteen Days after the next Meeting of Parliament, together with all other Reports made by him under this Act, during the Period to which such Annual Report relates.

VII. All

Public Health.

VII. All Powers vested in the Privy Council by this Act may be exercised by any Three or more of the Lords and others of the Privy Council, the Vice President of the Committee of the said Privy Council on Education being One of them, and all Orders, Regulations, Directions, and Acts of the Privy Council under this Act shall be sufficiently made and signified by a written or printed Document, signed by One of the Clerks of the Privy Council, or such Officer as may be appointed by the Privy Council in this Behalf; and all Orders, Regulations, Directions, and Acts made or signified by any written or printed Document purporting to be so signed shall be deemed to have been duly made, issued, and done by the Privy Council, and every such Document shall be received in Evidence in all Courts and before all Justices and others without Proof of the Authority or Signature of such Clerk or other Officer, or other Proof whatsoever, until it be shown that such Document was not duly signed by the Authority of the Privy Council.

As to the
making and
Authentica-
tion of
Orders, &c.

VIII. Proceedings for Penalties under the Acts for the Time being in force on the Subject of Vaccination may be taken on the Complaint of any Registrar employed for the Registration of Births, Deaths, and Marriages, Public Vaccinator, or Officer authorized by the Board of Guardians or by the Overseers respectively, and the Cost of such Proceedings shall be defrayed out of the Common Fund of the Union, or out of the Poor Rates of any Parish not included in a Union.

Proceedings
for Penal-
ties under
Vaccination
Acts.

IX. This Act may be cited as "The Public Health Act, 1858," and shall be in force only until the First Day of *August* One thousand eight hundred and fifty-nine.

Short Title,
and Continu-
ance of Act.

LONDON:

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ANNO VICESIMO PRIMO & VICESIMO SECUNDO

VICTORIÆ REGINÆ.

C A P. XCVIII.

An Act to amend the Public Health Act, 1848,
and to make further Provision for the Local
Government of Towns and populous Districts.

[2d August 1858.]

WHEREAS it is expedient to amend the Public Health Act, 1848, and to make further Provisions for the Local Government of Towns and populous Districts in *England*:
Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; that is to say,

I. This Act may be cited for all Purposes as "The Local Government Act, 1858." Short Title.

II. The Word "Borough," or "Corporate Borough," when used in this Act, or in any Act conferring Powers of a public Nature on the Corporate Bodies of Boroughs by their Council, shall include all Cities, Ports, Cinque Ports, or Corporate Towns mentioned in the Schedules to the Act passed in the Sixth Year of the Reign of King *William* the Fourth, intituled *An Act to provide for the Regulation of Municipal Corporations in England and Wales*, and all Interpreta-
tion of
Terms.

5 & 6 W. 4.
c. 76.

Local Government.

Boroughs incorporated by Charter granted or to be granted in pursuance of that or any subsequent Act.

Limits of Act.

III. This Act shall not extend to *Scotland* or *Ireland*, and it shall not be adopted by any Place within the Limits of the Metropolis as defined for the Purposes of the Act of the Session holden in the Eighteenth and Nineteenth Years of Her present Majesty, intituled

18 & 19 Vict. c. 20. *An Act for the better Local Management of the Metropolis.*

Provisions of this Act and 11 & 12 Vict. c. 63. to be construed together.

IV. This Act shall be construed together with and be deemed to form Part of the Public Health Act, 1848: Words used in this Act shall be interpreted in the Sense assigned to them in the said Public Health Act: Byelaws framed under this Act shall be subject to Confirmation, enforced, and dealt with in all other respects as Byelaws under the said Public Health Act; and the Provisions of each of the said Acts shall, so far as may be consistent with the Provisions of this Act, respectively be applicable to all Matters and Things arising under the other Act.

Period at which this Act to take effect.

Not to affect Qualification or Powers of Local Boards.

V. This Act shall take effect from the First Day of *September* One thousand eight hundred and fifty-eight in Places where the Public Health Act, 1848, is already in force, wholly or partially: Provided always, that nothing in this Act shall affect the Qualification and Number of the Members of Local Boards of Health in such Places, or any Power, Right, Privilege, or Liability of any Board of Improvement Commissioners exercising Powers of the Public Health Act, 1848, or of any Town Council or Local Board of Health, under or by virtue of any General or Local Act of Parliament other than the said Public Health Act.

Powers, &c. of Local Boards under this Act to be the same under 11 & 12 Vict. c. 63., &c.

VI. Local Boards under this Act shall, subject to this Act, have all the Powers, Rights, Duties, and Liabilities of Local Boards of Health constituted under the Public Health Act, 1848, and the Acts incorporated therewith.

Construction of Terms, for Purposes of this Act, &c. in Acts herein-after incorporated.

VII. In the Construction, for the Purposes of this Act, of the Acts herein-after incorporated, the Expression "the Special Act" shall mean the Public Health Act, 1848, as brought into operation within the District, and this Act; the "Limits of the Special Act" shall mean the "Limits of the District;" "the passing of the Special Act" shall mean the Date of the coming in force of this Act, or, in the Case of Districts under the Public Health Act, 1848, the First Day of *September* One thousand eight hundred and fifty-eight; and the Local Board shall, according to the Tenour of the incorporated Act, be deemed to be the Promoters of the Undertaking, "Town Commis-

Local Government.

Commissioners," Commissioners, or "Undertakers;" and all Penalties incurred under the incorporated Acts shall be recovered in the same Way as Penalties incurred under the Public Health Act, 1848, and be applied in aid of the Purposes of that Act and this Act.

VIII. Whenever the Sanction, Consent, Direction, or Approval of the General Board of Health is required by Law to the Exercise of the Powers of Local Boards of Health or Boards of Improvement Commissioners, such Powers may, from the First Day of *September* One thousand eight hundred and fifty-eight, be exercised without such Sanction, Consent, Direction, or Approval, or any Sanction, Consent, Direction, or Approval in lieu thereof, except in so far as is provided by this Act: Provided always, that all Sanctions for the Mortgage of Rates given by the General Board of Health before the passing of this Act shall continue in full Force and Effect until all Monies the borrowing of which is thereby sanctioned have been borrowed.

Provision in relation to Exercise of Powers under Public Health Act requiring Sanction of General Board of Health.

IX. All Proceedings, Contracts, Matters, and Things respectively begun or made under any Section of "The Public Health Act, 1848," repealed by this Act, may respectively be proceeded with and enforced as if no such Repeal had taken place, and all Powers exercised or Byelaws made under any such Section shall continue in force until the new Powers and Byelaws authorized by this Act are brought into operation, and no such Repeal shall affect any Decree or Order of the High Court of Chancery, or of any other Court of Justice, that has been obtained previously to the passing of this Act.

Proceedings, Contracts, &c. begun or made under any Section of 11 & 12 Vict. c. 63. repealed by this Act may be proceeded with.

X. The Powers of the One hundred and fourteenth Section of "The Public Health Act, 1848," for the Appointment of a Receiver, may be exercised in the event of a Failure to elect a Local Board, or of the Lapse of a Local Board from Death, Resignation, Disqualification, or otherwise, of the Persons elected to serve on such Local Board; and in case of such Failure or Lapse any Receiver appointed under that Section may make as well as collect and receive Rates as directed in that Section, or such Rates as are required to satisfy all Liabilities of the Local Board, and may receive and recover all Arrears due to the said Local Board, and apply the same to meet such Liabilities; and any such Receiver shall have the same Powers with respect to other Creditors of the Local Board as he has by the said Section with regard to Mortgagees.

Powers of Sect. 114. of 11 & 12 Vict. c. 63., for Appointment of Receiver, may be exercised in event of Failure to elect a Local Board.

XI. In the case of any Failure to elect a Local Board, or of any Lapse of a Local Board as aforesaid, it shall be lawful for the Owners and Ratepayers of the District, by Resolution, as herein-after provided, for the Adoption of this Act, to proceed to Election of a new Local Board.

Course of Proceeding in event of Failure to elect a Local Board.

Local Government.

Board in the Manner provided by this Act, with the same Qualification of Members from Property or Rating as the lapsed Local Board, and the Result of such Election shall be signified to One of Her Majesty's Principal Secretaries of State by the Person conducting it, in the same Manner as is herein-after directed with regard to the Adoption of this Act; and all the Rights and Liabilities of the former Local Board shall attach to the new Local Board as if there had been no Lapse before the Election thereof, and from the Date of such Election all Powers of any Receiver to make Rates under the preceding Section shall determine.

AS TO ADOPTION OF ACT AND CONSTITUTION OF LOCAL BOARDS.

Act to be adopted by Resolution of Council, Improvement Commissioners, or Owners and Rate-payers.

XII. This Act may be adopted,

- (1.) In Corporate Boroughs to which the Public Health Act, 1848, has not been applied, by a Resolution of the Council assembled at a Meeting held for the Purpose: Provided always, that this Act shall not be adopted in Corporate Boroughs until after the Election of Councillors on the First Day of *November* One thousand eight hundred and fifty-eight:
- (2.) In other Places under the Jurisdiction of a Board of Improvement Commissioners, where all or Part of the Commissioners are elected by Ratepayers, or by Owners and Ratepayers, by a Resolution of such Improvement Commissioners assembled at a Meeting held for the Purpose:
- (3.) In all other Places having a known or defined Boundary, by a Resolution of the Owners and Ratepayers:

But no such Resolution passed by any Council or Board of Improvement Commissioners shall be valid unless a Month's previous Notice of the Meeting, and of the Purpose thereof, has been given in manner in which Notices of Meetings of such Council or Board of Commissioners are usually given, nor unless Two Thirds of the Members present at the Meeting concur in the Resolution for such Adoption; and it shall be lawful for the Chairman of any such Meeting, with the Consent of a Majority of the Members present, to adjourn the same from Day to Day.

As to summoning Meetings for Purpose of preceding Section.

XIII. (1.) Meetings for the Purpose of the preceding Section shall be summoned on the Requisition in Writing of any Twenty Ratepayers or Owners;

In Corporate Boroughs, by the Mayor;

In other Places under the Jurisdiction of such Improvement Commissioners as aforesaid, by the Chairman of the said Commissioners;

In

Local Government.

In Places having known and defined Boundaries, not being Corporate Boroughs, or Towns under the Jurisdiction of such Improvement Commissioners as are herein-before mentioned, by the Churchwardens or One of them, or if there are no Churchwardens the Overseers or One of them, or if there is none of the Officers respectively above enumerated, or if such Officer in any Case neglects, is unable, or refuses to perform the Duties hereby imposed on him, by any Person appointed by One of Her Majesty's Principal Secretaries of State :

(2.) In such Places as last aforesaid the Summoning Officer shall upon such Requisition fix a Time and Place for holding such Meeting, and shall forthwith give Notice thereof: Notice of Meeting.

By Advertisement in some One or more of the Newspapers circulated in the Place ;

By causing such Notice to be affixed to the principal Doors of every Church and Chapel in the Place to which Notices are usually affixed :

(3.) The Meeting, on its assembling together, shall choose One of its Number as Chairman, who may, with the Consent of a Majority of the Persons present, adjourn the same from Day to Day : Meeting to choose Chairman.

(4.) The Chairman shall propose to the Meeting the Resolution for the Adoption of the Act, and the Meeting shall decide for or against such Adoption : Provided that if any Owner or Ratepayer shall demand that such Question be decided by a Poll of the Owners and Ratepayers, such Poll shall be taken by Voting Papers in the Form A. given in the Schedule to this Act, in the same Way, and with the same Conditions as to Notice of voting, Delivery, filling up, Collection, Examination, Declaration of the Result, Custody of Voting Papers, Penalty for Neglect or Refusal to comply with the Provisions of the Act, Scale of Votes, and in all other respects whatsoever as is provided in the Public Health Act, 1848, in respect of the Election of Local Boards of Health ; and if no Poll is demanded, or if the Demand for a Poll is withdrawn by the Parties making the same, a Declaration by the Chairman shall, in the Absence of Proof to the contrary, be sufficient Evidence of the Decision of such Meeting : Rules as to passing of Resolutions of Owners and Ratepayers.

(5.) If any Person fabricates, in whole or in part, alters, defaces, destroys, abstracts, or purloins any Voting Paper, or personates any Person entitled to vote in pursuance of the Public Health Act, 1848, or this Act, or falsely assumes to act in the Name or on the Behalf of any Person so entitled to vote, or interrupts the Distribution of any Voting Papers, or distributes the same under a false Pretence of being lawfully authorized so to do, he shall for every such Offence be liable, on Conviction before Two Justices, to be imprisoned in the Common Gaol or House of Correction Penalty for forging, &c. of Voting Papers.

Local Government.

rection for any Period not exceeding Three Months, with or without Hard Labour.

Provision as to less Place included within the Limits of a greater.

XIV. In Cases where any Place hereby authorized to adopt this Act includes within its Limits any less Place which, if it were not so included, would of itself be authorized to adopt this Act, such less Place shall not be entitled to adopt this Act unless the greater Place within the Limits of which it is included has refused to adopt the same, or unless it has been determined by One of Her Majesty's Principal Secretaries of State, in manner herein-after mentioned, that such less Place ought, as respects the Adoption of this Act, to be excluded from the Limits of such greater Place.

Power for partial Adoption of Act.

XV. Any Corporation or Body of Commissioners exercising Powers for Sanitary Regulations under the Provisions of any Local Act may adopt any Part or Parts of this Act by Resolution of the Council or Commissioners, and such Resolution shall in every Case be passed and forwarded to One of Her Majesty's Principal Secretaries of State, as provided in this Act for the Adoption thereof, and thereupon the Part or Parts of this Act named in such Resolution shall be in force within the District comprised in such Local Act as fully and effectually as if such Part or Parts of this Act had been enacted in such Local Act: Provided always, that when the Parts of this Act thus adopted confer any Power of borrowing Money, such Power shall be exercised subject to the Provisions of this Act with respect to borrowing.

Adoption of Act by Place not having a known or defined Boundary.

Provision as to settling Boundaries on Petition.

XVI. (1.) Any Place not having a known or defined Boundary may petition One of Her Majesty's Principal Secretaries of State to settle its Boundary for the Purposes of this Act:

Rules as to Petitions for Settlement of Boundaries.

(2.) The Petition shall state the proposed Boundaries of the Place, shall be signed by One Tenth of the Ratepayers resident within such Boundaries, and shall be supported by such Evidence as the said Secretary of State may require:

(3.) Upon the Receipt of such Petition the Secretary of State may direct Inquiry to be made as to the Genuineness of the Petition, and as to the Propriety of the proposed Boundaries; and

(4.) Fourteen Days Notice of the Time, Place, and Subject of such Inquiry shall be given in the Place to which it refers:

(5.) The said Secretary of State may, upon Consideration of the Matter, either dismiss the Petition altogether, or make Order as to the Boundaries of the Place: He may also make Order as to the Costs of the Proceedings under this Section and the Parties by whom such Costs are to be borne:

(6.) Any

Local Government.

(6.) Any Place the Boundaries of which have been settled in pursuance of the foregoing Provisions shall thenceforth, for the Purposes of this Act, be deemed to be a Place with a known and defined Boundary, and may adopt this Act accordingly; and for the Purpose of enabling it so to do a Summoning Officer shall be appointed by the Order settling the Boundaries, whose Duty it shall be forthwith to take all such Steps as may be necessary for convening a Meeting of the Ratepayers to decide as to the Adoption of this Act; and if such Officer dies, becomes incapable, neglects or refuses to perform his Duties, the said Secretary of State may, on the Application of any Four Ratepayers, appoint another Officer in his Room.

Any Place may adopt this Act when Boundary settled.

Appeal against Adoption of Act.

XVII. (1.) In Cases where a Resolution adopting this Act has been passed in any Place, if any Number, being not less than One Twentieth of the Owners and Ratepayers of such Place, such Twentieth to be One Twentieth in Number of the Owners and Ratepayers of the Place, taken together, or the Owners and Ratepayers in respect of One Twentieth of the rateable Property in the Place, are desirous that the whole or any Part of such Place should be excluded from the Operation of this Act, they may present a Petition to One of Her Majesty's Principal Secretaries of State, appealing against such Resolution, and praying that such Exclusion may be made:

Power to appeal, by Petition, against Resolution to adopt this Act.

(2.) Such Petition shall be presented within Twenty-one Days from the Date of the passing of the Resolution appealed against, and shall, where the Exclusion of Part of a Place only is prayed for, state,

Such Petition to be presented to Secretary of State.

(1.) The Part of the Place proposed to be excluded, accompanied with an explanatory Plan; and

(2.) The Reasons for such Exclusion:

It shall be subscribed by the Owners and Ratepayers presenting the same:

(3.) Upon the Receipt of any such Petition as aforesaid, the said Secretary of State may direct Inquiry in the proposed District,

As to the Genuineness of the Petition; and

As to the Matters alleged in such Petition:

Power to Secretary of State to direct Inquiry to be made.

(4.) Fourteen Days Notice of the Time, Place, and Subject of such Inquiry shall be given:

Notice of Inquiry.

(5.) The said Secretary of State shall make Order with respect to the Matter in question on such Appeal, and such Order shall be binding on the Place in respect of which it is made, and there shall be stated in such Order the Time at which this Act is to come into force.

Order to be made by Secretary of State.

XVIII. It shall be lawful for any Owner or Ratepayer who disputes the Validity of the Vote for the Adoption of this Act to appeal

Appeal to Secretary of State in case of

Local Government.

alleged In-
validity of
Vote for
Adoption of
this Act.

appeal within Fourteen Days from the Declaration of the Vote to One of Her Majesty's Principal Secretaries of State, setting forth the Grounds on which he disputes the Validity of such Vote, and it shall be lawful for any of Her Majesty's Principal Secretaries of State, on such Appeal, to direct Inquiry by any Officer employed by him in the Execution of this Act into the Circumstances of the Case, and to issue such Order thereon as he may deem requisite to determine the Questions arising on such Appeal, and as to the Validity or Invalidity of such Vote.

General Provisions in relation to Adoption.

Notice as to
Adoption of
Act to be
given to
Secretary of
State.

XIX. Whenever a Resolution adopting this Act has been passed in any Place, Notice thereof shall be given to One of Her Majesty's Principal Secretaries of State by the following Persons ; that is to say,

In Corporate Boroughs, by the Mayor :

In other Places under the Jurisdiction of such Improvement Commissioners as aforesaid, by the Chairman of the Board of Commissioners :

In other Places, by the Summoning Officer :

The Notice so sent shall be in Writing under the Hand of the Officer hereby required to give the same ; and it shall be the Duty of such last-mentioned Officer to publish a Copy of such Notice in manner following ; that is to say,

By Advertisement for Three successive Weeks in some One or more of the Newspapers circulated in the Place :

By causing a Copy of such Notice to be affixed to the principal Doors of every Church and Chapel in such Place to which Notices are usually affixed :

And when such Notice has been so given, and the Time for such Appeal has expired, or such Appeal has been dismissed, a Notice shall be published in the *London Gazette*, by One of Her Majesty's Principal Secretaries of State, that this Act has been adopted within such Place.

Provision as
to the Time
when this
Act shall
take effect.

XX. Whenever any Resolution adopting this Act has been passed in any Place this Act shall, at the Expiration of Two Months from the Date of the passing of such Resolution, or in the event of an Appeal, or of a Division of the District into Wards as herein-after provided, then at such Time as may be mentioned in the Order made on such Appeal, or in the Order setting out Wards, have the Force of Law within such Place ; and the Expiration of such Period of Two Months, or such Date as may be mentioned in the said Order as the Time for this Act to come into force, shall be called the Date of the Constitution of the District ; provided that the Provisions of this Act relating to Purposes already included in

Local Government.

in any Local Act in force within the District with relation to any of the Purposes of the Public Health Act, 1848, or this Act, and not conferring Powers or Privileges upon Corporations, Companies, Undertakers, or Individuals, for their own pecuniary Benefit, notwithstanding the Adoption of the Act, as herein-before provided, shall not come into operation until an Order has been made and confirmed, as herein-after prescribed, for the future Execution, Repeal, or Alteration of the said Local Act.

XXI. No Objection shall be made at any Trial or in any legal Proceeding to the Validity of the Adoption of this Act, or to any Order made in pursuance of this Act, or to any Proceedings upon which such Order was founded, unless the Objector has given Fourteen Days previous Notice to the other Parties interested in such Trial or Proceeding of his Intention to make the same, specifying fully the Nature of the Objection to be made ; and no Objection whatever in respect of the Matters mentioned in this Section shall be admissible at any Trial or in any legal Proceeding after the Expiration of Six Calendar Months from the Date of the Constitution of the District.

As to
Objections
made to
Adoption of
this Act.

XXII. Publication of a Notice by a Secretary of State once in the *London Gazette*, and by the Mayor, Chairman of the Board of Improvement Commissioners, or Summoning Officer, respectively, for Three successive Weeks, in any Newspaper published and circulated in the Town or District, that this Act has been adopted in any Place, shall be conclusive Evidence of such Adoption.

Proof of
Adoption.

XXIII. In Cases where this Act has been adopted by any Place, all Costs, Charges, and Expenses incurred by any of Her Majesty's Principal Secretaries of State in relation to any such Adoption, or to any Proceedings connected therewith, or which such Secretary is required to take under this Act, and not hereby otherwise provided for, shall, to such Amount as the Treasury, by Order, think proper to direct, become a Charge upon the General District Rates levied in such District under the Authority of this Act, and be repaid to the Treasury by annual Instalments not exceeding Five, together with Interest after the yearly Rate of Five Pounds in the Hundred, to be computed from the Date of any such last-mentioned Order, upon so much of the Principal Sum due in respect of the said Costs, Charges, and Expenses as may from Time to Time remain unpaid.

Provision as
to Payment
of Costs, &c.
incurred in
relation to
Adoption.

Constitution of Local Boards.

XXIV. The Duty of carrying into execution this Act shall be vested in a Local Board ; and such Local Board shall be,

Local Boards
how con-
stituted.

9 F

(1.) In

Local Government.

- (1.) In Corporate Boroughs, the Mayor, Aldermen, and Burgesses acting by the Council :
- (2.) In other Places under the Jurisdiction of such a Board of Improvement Commissioners as herein-before mentioned, the Board of Commissioners :
- (3.) In other Places, such Number of elective Members as may be determined by a Resolution of the Owners and Ratepayers, passed in manner in which Resolutions for the Adoption of this Act are herein-before directed to be passed, at any Meeting held for the Purpose of adopting this Act, or at any Meeting to be summoned by the Summoning Officer for the Purpose of this Section ; but no Person shall be qualified to be a Member of such Local Board unless he is at the Time of his Election, and so long as he shall continue in Office by virtue of such Election, resident within the District for which or for Part of which he is elected, or within Seven Miles thereof, and is seised or possessed of Real or Personal Estate, or both, to the Value of not less than Five hundred Pounds in Districts containing less than Twenty thousand Inhabitants, or to the Value of not less than One thousand Pounds in Districts containing Twenty thousand or more Inhabitants, or rated to the Relief of the Poor of such District, or of some Parish within the same, upon an annual Value of not less than Fifteen Pounds in Districts containing less than Twenty thousand Inhabitants, or on an annual Value of not less than Thirty Pounds in Districts containing Twenty thousand or more Inhabitants ; provided that if Two or more Persons be jointly seised or possessed of Real or Personal Estate, or both, of such Value or Amount as would, if equally divided between them, qualify each to be elected, or if Two or more Persons be jointly rated in respect of any Property which, if equally divided between them, would qualify each to be so elected, each of the Persons so jointly seised, possessed, or rated may be elected, but the Property shall not at the same Time qualify the Owner and the Occupier thereof :
- (4.) Local Boards of Health in Districts where the Public Health Act, 1848, is applied, may, with the Sanction of One of Her Majesty's Principal Secretaries of State, divide their District into separate Wards, and declare what Proportion of the Members of the Local Board is to be elected by each Ward : In Districts where this Act is adopted, the Owners and Ratepayers may by Resolution direct a Petition to One of Her Majesty's Principal Secretaries of State to divide the Districts into Wards, for the Purpose of Election
of

District may be divided into Wards, with Sanction of Secretary of State.

Local Government.

of the Local Board, and to declare what Proportion of the Members of the Local Board shall be elected by each Ward, and the said Secretary of State may by his Order make such Division and Declaration after such Inquiry as he shall deem necessary, and Fourteen Days Notice shall be given of the Time, Place, and Object of such Inquiry; and if any Member be elected in more than One Ward, he shall within Three Days Notice thereof choose, or, in default of his choosing, the Local Board at their next Meeting shall decide for which One of the Wards the Member shall serve, and he shall thereupon be held to be elected in that Ward only, and a Vacancy shall be held to exist on account of the other Ward or Wards; no Person entitled to vote shall give in the whole of the Wards a greater Number of Votes than he would have been entitled to give if the District had not been divided into Wards, nor in any One Ward a greater Number of Votes than he is entitled to in respect of Property in that Ward; but subject to these Limitations, any Ratepayer or Owner may, by Notice in Writing delivered to the Clerk of the Local Board, or in case of the First Election to the Person appointed to conduct that Election, elect in what Ward or Wards he will vote for the ensuing Year, and determine the Proportion of Votes which he will give in any One or more of such Wards, and if he do not give such Notice he shall not be entitled to vote for any Ward in which he does not reside:

- (5.) The Election of Local Boards shall be conducted in the Manner directed by the Public Health Act, 1848, for the Election of Local Boards of Health; and the Summoning Officer shall conduct the First Election; and the Members of the Local Board shall take such Declaration, continue in Office for the same Time, and be liable to such Disqualifications and Penalties, as the Members of Local Boards of Health under the said Public Health Act as altered by this Act:
- (6.) If any Person nominated, or any Person on his Behalf, give at least One clear Day's Notice in Writing to the Returning Officer, before the Delivery or Collection of the Voting Papers, of an Intention to send some Agent to accompany the Deliverer or Collector of the Papers, the Returning Officer shall make his Arrangements so as to enable the Person appointed by him to be so accompanied; provided that no such Agent shall interfere in any respect in the Delivery or Collection of the Voting Papers:

As to
Election of
Local
Boards.

(7.) Any

Local Government.

As to casual
Vacancies.

- (7.) Any casual Vacancy occurring by Death, Resignation, Disqualification, or otherwise in the Local Board may be filled up within One Month by the Local Board out of qualified Persons, but the Member so chosen shall retain his Office so long only as the vacating Member would have retained the same if no Vacancy had occurred :

As to
First Meet-
ing of Local
Board.

- (8.) In the Case of Districts not consisting of Boroughs or Towns under the Jurisdiction of such Improvement Commissioners as aforesaid, the First Meeting shall be held on such Day, not more than Ten Days after the Election of the Local Board, and at such Place, as the Returning Officer may, by Notice sent by Post or delivered to each Member of such Board, appoint.

Disqualifi-
cation of
Members
of Local
Boards.

XXV. Notwithstanding anything contained in the Public Health Act, 1848,

- (1.) No Member of a Local Board shall vacate his Office by reason of his being interested in any Sale or Lease of any Lands, or any Loan of Money to the Local Board :
- (2.) Nor by absenting himself from Meetings of the Board, if he be not absent from the District for more than Six Months at One and the same Time, unless in case of Illness, nor by reason of his being interested in any Contract with the Local Board as a Shareholder in any Company established under the Provisions of the Joint Stock Companies Acts or any of them, with or without a limited Liability ; provided no Member of a Local Board, being a Shareholder, shall vote on any Question in which the Company is interested :
- (3.) It shall be lawful for One of Her Majesty's Principal Secretaries of State to dispense in any Case with the Prohibition contained in the Nineteenth Section of the Public Health Act, 1848, by which no Member of a Local Board, being a Shareholder in any Company or Concern established for the Supply of Water, or for the carrying on of any other Works of a like public Nature, is entitled to vote upon any Question in which such Company or Concern is interested.

Powers of
Local Board
to vest in
Town
Council
when a
District
becomes a
Corporate
Borough.

XXVI. So much of the Thirty-third Section of the Public Health Act, 1848, as requires that a Day shall be specified in any Charter of Incorporation by which the District of a Local Board becomes a Corporate Borough, from and after which the Powers, Authorities, Duties, Property, and Liabilities of the Local Board shall be vested in the Mayor, Aldermen, and Burgesses of the Borough by their Council, shall be repealed ; and all Transfers of Powers, Authorities, Duties,

Local Government.

Duties, Property, and Liabilities which have been or shall hereafter be made by any Local Board of Health to the Mayor, Aldermen, and Burgesses of any Corporate Borough by their Council, the District of such Board and such Corporate Borough being identical, shall be valid and effectual to all Intents and Purposes, though no Day for such Transfer shall have been named in the Charter incorporating such Borough.

XXVII. Adjoining Districts may unite together upon such Terms and subject to such Conditions as the respective Local Boards of such Districts may, with the Sanction of One of Her Majesty's Principal Secretaries of State, determine.

Power to adjoining Districts to unite, with Sanction of Secretary of State.

XXVIII. Every Local Board may, with the Consent of the Local Board of any adjoining District, or with the Consent of any adjoining Place maintaining its own Poor, do and execute in such adjoining District or Place all or any of such Works and Things as the Local Board may do and execute within their own District, and upon such Terms as to Payment or otherwise as may be agreed upon between such Local Board and the Local Board of the adjoining District, or the Local Authority under the Nuisance Removal Act, 1855, in and for such adjoining Place; and any Sums agreed to be paid by the Local Board of the adjoining District in pursuance of this Section shall be payable out of the Rates leviable under the Public Health Act, 1848, and this Act; and any Sums agreed to be paid by such Local Authority shall be payable out of the same Rates as the Expenses of executing the said Nuisance Removal Act; and the Consent of any such Place to any Work or Thing proposed to be done under this Section shall be signified in the same Manner in which the Consent of a Place to the Adoption of this Act is hereinbefore required to be signified; and where the Expenses of any such Work or Thing would, if the same had been executed in a District under the Powers of this Act, have been recoverable from Owners or Occupiers, such Expenses shall be recoverable by the Local Board or Local Authority of the District or Place respectively from such Owners or Occupiers.

Power to Local Board to execute Works in adjoining Places.

AS TO POWERS OF LOCAL BOARDS.

Powers of Local Board as to Sewerage.

XXIX. If it appear to a Local Board that any Premises were sufficiently drained before the Construction of any new Sewer they may lay down, it shall be lawful to deduct from the Amount of Rates otherwise chargeable in respect of such Premises such a Sum and for such Time as the Local Board may under all the Circumstances of the Case deem to be just.

Power to make Deduction from Rate in respect of Premises sufficiently drained.

Local Government.

Powers for
disposing
of Sewage.

XXX. Local Boards may,

- (1.) Exercise the Powers given by the Forty-sixth Section of the Public Health Act, 1848, also without their District, if necessary for the Purpose of Outfall and Distribution of Sewage, upon making due Compensation, to be settled in the Manner provided in the One hundred and forty-fourth Section of the Public Health Act, 1848;
- (2.) Contract with any Company or Person for the Sale of Sewage, or for the Distribution of it over any Land;
- (3.) Contract for, purchase, or take on Lease any Lands, Buildings, Engines, Materials, or Apparatus for the Purpose of receiving, storing, disinfecting, or distributing Sewage:

Provided always, that these Things shall be done so as not to create a Nuisance.

Provision
for obtaining
Order for
cleansing
foul and
offensive
Water-
courses or
open Ditches
lying near
to or forming
the Bound-
aries of
Districts.

XXXI. In case any Watercourse or open Ditch lying near to or forming the Boundary between the District of any Local Board and any adjoining Parish or Place shall be foul and offensive, so as injuriously to affect the District of such Local Board, any Justice of the Peace for the County, City, or Borough in which such adjoining Parish or Place may be situate may, on the Application of such Local Board, summon the Local Authority for the Purposes of the Nuisances Removal Act, 1855, of such adjoining Parish or Place, to appear before the Justices of the same County, City, or Borough to show Cause why an Order should not be made by the said Justices for cleansing such Watercourse or open Ditch, and for executing such permanent or other structural Works as may appear to such Justices to be necessary; and such Justices, after hearing the Parties, or *ex parte* in case of the Default of any of them to appear, may make such Order with reference to the Execution of the Works, and the Persons by whom the same shall be executed, and by whom and in what Proportions the Costs of such Works shall be paid, and also as to the Amount thereof, and the Time and Mode of Payment, as to such Justices shall seem reasonable; and any Sums ordered to be paid by any Justices in pursuance of this Section shall be a Charge upon and be payable out of the Poor Rates of such adjoining Parish or Place, as if the same were legally incurred in the Relief of the Poor of such Parish or Place, and in default of Payment may be levied upon the Goods and Chattels of such Overseers by Distress and Sale thereof.

Powers as to Scavenging and Cleansing.

Power to
Local Boards
to cleanse
or contract
for cleansing.

XXXII. The Fifty-fifth and Fifty-sixth Sections of the Public Health Act, 1848, shall be repealed, excepting so much of the Fifty-sixth Section as relates to the providing Conveniences for the temporary

Local Government.

temporary Deposit of Dust, Ashes, and Rubbish, and also fit Buildings and Places for the Deposit of Sewerage and other Matters collected by the Local Board ; and in lieu thereof be it enacted,

(1.) That Local Boards may themselves undertake or contract with any Person for

The proper cleansing and watering of Streets ;

The Removal of House Refuse from Premises ;

The cleansing of Privies, Ashpits, and Cesspools ;

either for the whole or any Part of their District ; and all Matters thus collected by the Local Board or Contractor may be sold or otherwise disposed of, and any Profits thus made by the Local Board shall be carried to the District Fund Account :

(2.) If any Person, not being the Occupier of a House within the District, removes, or obstructs the Local Board or Contractor in removing, any Matters hereby authorised to be removed by the Local Board, he shall for each Offence incur a Penalty not exceeding Five Pounds ; and if any Person, being the Occupier of a House within the District, removes, or obstructs the Local Board or Contractor in removing, any such Matters (except in Cases where such Matters are produced on his own Premises, and are removed for Sale or for his own Use for Manure, and are in the meantime kept so as not to be a Nuisance,) he shall for each Offence incur a Penalty not exceeding Forty Shillings :

(3.) In Parts where the Local Board do not themselves undertake or contract with any Person for—

The cleansing of Footways and Pavements adjoining any Premises,—

The Removal of Refuse from any Premises,—

The cleansing of Privies, Ashpits, and Cesspools,—

They may make Byelaws imposing the Duty of such cleansing or Removal on the Occupier of any such Premises :

(4.) The Local Board may make Byelaws for the Prevention of Nuisances arising from Snow, Filth, Dust, Ashes, and Rubbish within their District, or of the keeping of Animals so as to be injurious to the Public Health :

Power to
Local Board
to make
Byelaws as
to Nuisances.

(5.) Whenever the Local Board have removed any noxious or offensive Accumulation under the Fifty-ninth Section of the Public Health Act, 1848, the Expenses of Removal, so far as the same are not covered by the Sale of the said Accumulation, shall be recoverable in a summary Manner from the Occupier, or, where there is no Occupier, from the Owner of the Premises on which such Accumulation existed, or from the Person causing such Accumulation, or may, by Order of the Board, be declared to be Private Improvement Expenses.

Provision for
Recovery of
Expenses of
Removal of
offensive
Accumula-
tions under
11 & 12 Vict.
c. 63.

Local Government.

Amendment
of Sect. 54. of
11 & 12 Vict.
c. 63. for
Purposes
herein
named.

XXXIII. Whenever the Surveyor, in the course of any Examination made by him in pursuance of the Fifty-fourth Section of the Public Health Act, 1848, finds any such Drain, Watercloset, Privy, Cesspool, or Ashpit, as therein mentioned, to be in bad Order and Condition, or to require Alteration, it shall not be necessary for him to cause the Ground to be closed before the necessary Works are set about for amending such Drain, Watercloset, Privy, Cesspool, or Ashpit; provided that such necessary Works are undertaken forthwith.

Sects. 53. and
72. of 11 & 12
Vict. c. 63.,
as to new
Streets and
Houses, re-
pealed, and
the Pro-
visions
herein
named to be
instead.

XXXIV. The Fifty-third and Seventy-second Sections of the Public Health Act, 1848, shall be repealed; and in lieu thereof be it enacted as follows:

Every Local Board may make Byelaws with respect to the following Matters; (that is to say,)

- (1.) With respect to the Level, Width, and Construction of new Streets, and the Provisions for the Sewerage thereof;
- (2.) With respect to the Structure of Walls of new Buildings for securing Stability and the Prevention of Fires;
- (3.) With respect to the Sufficiency of the Space about Buildings to secure a free Circulation of Air, and with respect to the Ventilation of Buildings;
- (4.) With respect to the Drainage of Buildings, to Waterclosets, Privies, Ashpits, and Cesspools in connexion with Buildings, and to the closing of Buildings or Parts of Buildings unfit for Human Habitation, and to Prohibition of their Use for such Habitation:

And they may further provide for the Observance of the same by enacting therein such Provisions as they think necessary as to the giving of Notices, as to the Deposit of Plans and Sections by Persons intending to lay out Streets or to construct Buildings, as to Inspection by the Local Board, and as to the Power of the Local Board to remove, alter, or pull down any Work begun or done in contravention of such Byelaws: Provided always, that no such Byelaw shall affect any Building erected before the Date of the Constitution of the District:

But for the Purposes of this Act the re-erecting of any Building pulled down to or below the Ground Floor, or of any Frame Building of which only the Frame Work shall be left down to the Ground Floor, or the Conversion into a Dwelling House of any Building not originally constructed for Human Habitations, or the Conversion into more than One Dwelling House of a Building originally constructed as One Dwelling House only, shall be considered the Erection of a new Building.

Powers

*Local Government.**Powers for Regulation of Buildings.*

XXXV. When any House or Building has been taken down, in order to be rebuilt or altered, the Local Board may prescribe the Line in which any House or Building to be hereafter built shall be erected, and the same shall be erected in accordance therewith; and the Local Board shall pay or tender Compensation to the Owner or other Person immediately interested in such House or Building for any Loss or Damage he may sustain in consequence of his House or Building being set back, the Amount of such Compensation, in case of Dispute, to be settled in the same Manner as Compensation for Land to be taken under the Provisions of "The Lands Clauses Consolidation Act, 1845," is directed to be settled; and all the Provisions of the said last-mentioned Act relating to the Purchase of Land shall apply to the Payment made for such Loss or Damage as if it were a Purchase under such Act.

When Houses taken down, Local Board may prescribe Line in which same shall be rebuilt.

XXXVI. The Local Board may, with the Sanction of One of Her Majesty's Principal Secretaries of State, purchase any Premises for the Purpose of making new Streets, and shall have with regard to Premises so purchased all the Powers given by the Seventy-third Section of the Public Health Act, 1848.

Local Board may purchase Premises for Purpose of making new Streets.

Highway Repairs.

XXXVII. And whereas Doubts have arisen as to the Rate out of which the Repair of Highways is to be provided for in Districts under the Public Health Act, 1848: Be it enacted, That in such Districts, or in Districts where this Act is adopted, and where no other Mode of providing for the Repair of Highways is directed by any Local Act,

Cost of Highway Repair to be defrayed out of General District Rate in certain Cases.

(1.) Where the whole of the District is rated to public Works of Paving, Water Supply, and Sewerage, or to Works for such of these Purposes as are provided for in the District, the Cost of Repair of Highways shall be defrayed out of the General District Rate:

(2.) Where Parts of a District are not rated for Works of Paving, Water Supply, and Sewerage, or for such of these Purposes as have been provided for by Rate in the District, the Cost of the Repair of Highways in the same Parts shall be defrayed out of a Highway Rate to be separately assessed and levied in the same Parts by the Local Board as Surveyor of Highways, and the Cost of such Repair in the Residue of the District shall be defrayed out of the General District Rate:

Power to levy Highway Rates in certain Cases.

(3.) Where no Public Works of Paving, Water Supply, and Sewerage are established in the District, the Repair of Highways in the District shall be provided for by a Highway Rate, to be levied

Local Government.

over the whole District by the Local Board as Surveyors of Highways :

(4.) Where Part of any Township or Place, at the Time of the Application of this Act to any District, shall be liable to contribute and pay to the Highway Rates leviable or assessable within such District, although it shall not be included in the Limits of such District, such Part of the said Township or Place shall, for all Purposes connected with the Repairs of Highways, and the Payment of Highway Rates, but for no other Purposes, be considered to be and be treated as if forming Part of such District and comprised within the Limits thereof: Provided always, that no such District Rate shall be leviable within such Part :

Certain Acts
not required
to be done
in case of
Highway
Rate being
made by
Local Board.

(5.) Provided, that it shall not be necessary for any Local Board, in the Case of any Highway Rate made by them, to do the following Acts or any of them ; that is to say,

To lay such Rate before any Justices, or obtain their Allowance ;

To annex thereto the Signature of such Local Board ;

To lay the same before the Parishioners assembled in Vestry ;

To verify before any Justices any Accounts kept by them of such Highway Rates :

And all such Accounts shall be audited in all respects in the same Way as the other Accounts of Local Boards, and all ministerial Acts required by any Act of Parliament to be done by the Surveyor of Highways may be done by the Surveyor of the Local Board, or by such other Person as they may appoint :

Application
of surplus
under
sect. 117. of
11 & 12 Vict.
c. 63.

(6.) The Surplus of any Monies directed by the One hundred and seventeenth Section of the Public Health Act, 1848, to be paid by Surveyors of Highways to the Treasurer of the Local Board, and to be carried to the District Fund Account, shall, for every District or Part of a District where the Roads are repaired out of Highway Rate, be carried by the same Treasurer to a separate Account to be kept by him, and called the Highway Rate Account. The Act of the Thirteenth *Victoria*, Chapter Thirty-five, “ for requiring annual “ Returns of the Expenditure on Highways in *England* and *Wales*, “ to be transmitted to the Secretary of State, and afterwards laid “ before Parliament,” shall apply to the Clerk to every such Local Board as aforesaid in like Manner as to the Clerk to any such Trustee or Commissioner as in such Act mentioned.

Powers as to Streets and Roads.

Power to
Local Board
to provide
for sewer-
ing, &c. of
Parts of

XXXVIII. The Powers given to Local Boards of Health by the Sixty-ninth and Seventieth Sections of the Public Health Act, 1848, to compel the sewerage, levelling, paving, flagging, and channelling of Streets that are not Highways repairable at the Public Expense, and

Local Government.

and after the Completion of such Works to declare such Streets Highways repairable at the Public Expense, shall extend to providing the Means of lighting, metalling, or making good such Streets, and may be exercised in respect of the Carriageway, Footway, or any Part of such Streets; and the said Powers shall also be deemed to have extended and shall extend and be exercised in respect of any Street or Road of which a Part was at the Time of the Application of the Public Health Act, 1848, or is or may be, a Public Footpath, or repairable at the Public Expense, as fully as if the whole of such Street or Road had been or was a Highway not repairable at the Public Expense.

Streets not being Highways.

No Incumbent or Minister of any Church, Chapel, or Place appropriated to Public Religious Worship, which is now by Law exempt from Rates for the Relief of the Poor, shall be liable to any Expenses under the Sixty-ninth Section of the Public Health Act, 1848, or this Section, as the Owner or Occupier of such Church, Chapel, or Place, or of any Churchyard or Burial Ground attached thereto, nor shall any such Expenses be deemed to be a Charge on such Church, Chapel, or other Place, or on such Churchyard or Burial Ground, or to subject the same to Distress, Execution, or other legal Process; and the Local Board may, if they think fit, undertake any Works from the Expenses of which any such Incumbent or Minister is hereby exempted.

No Incumbent or Minister of any Church, Chapel, &c. liable to Expenses under Sect. 69. of 11 & 12 Vict. c. 63. or this Section.

XXXIX. It shall be lawful for any Local Board to agree with any Persons for the making of Roads for the Public Use through the Lands and at the Expense of such Persons, and to agree that such Roads shall become and the same shall accordingly become, on Completion, public Highways maintainable and repairable at the Public Expense; and it shall be lawful for such Board, with the Consent of Two Thirds of their Number, to agree with such Persons to pay, and accordingly to pay, any Portion of the Expenses of making such Roads out of the Funds at the Disposal of such Board for Public Improvements.

Power to Local Boards to agree as to making of new public Roads.

XL. It shall be lawful for any Local Board to agree with the Proprietors of any Canals, Railways, or Tramroads, and with any Landowners or other Persons willing to bear the first Expense thereof, for the Construction or Alteration of, and accordingly to cause or permit to be constructed or altered, any Bridges, Viaducts, or Arches over or under any such Canals, Railways, or Tramroads, at the Expense of such Persons, and at the like Expense, by Agreement, to purchase so much of any Slopes, Embankments, or other Parts of such Canals, Railways, or Tramroads, or of any adjoining Lands, as

Power to Local Boards, by Consent, to construct public Bridges, &c., or adopt as public, and improve, existing Bridges, &c. over or under

may

Local Government.

Canals, Rail-
ways, or
Tramroads.

may be required for the Foundation and Supports of such Bridges, Viaducts, or Arches, and the Approaches thereto, and to agree that such Bridges, Viaducts, and Arches respectively, with their Approaches and Accessories, shall become, and the same shall accordingly become, on Completion, Parts of public Streets or Roads maintainable and repairable at the Public Expense; and it shall be lawful for such Board, with the Consent of Two Thirds of their Number, to agree to pay, and accordingly to pay, any Portion of the Expenses of such Construction, Alteration, and Purchase out of the Funds at the Disposal of such Board for Public Improvements; and it shall be lawful for such Board with the Consent of such Proprietors and other Persons interested, and on such Terms as may be mutually agreed upon, to adopt any existing Bridges, Viaducts, or Arches over or under any such Canals, Railways, or Tramroads, and the Approaches thereto, as public Bridges, Viaducts, or Arches, and Parts of public Streets or Roads maintainable and repairable at the Public Expense.

Powers to
Local Boards
to enter into
Agreements
with Turn-
pike Trus-
tees as to
Repair, &c.
of Roads.

XLI. It shall be lawful for any Local Board, by Agreement with the Trustees of any Turnpike Road, or with any Corporation or Person liable to repair any Street or Road, or any Part thereof, or with Surveyors of any Bridge repaired by any County, Riding, or Division, to take upon themselves the Maintenance, Repair, cleansing, or watering of any such Street or Road or any Part thereof, or of any Road over any County Bridge, and the Approaches thereto, or of any Part of the said Roads within their District, and to remove any Turnpike Gates, Toll Gates, or Bars which may be situate within Two Miles from the Centre of any Town or Place within their District, and to erect other Turnpike Gates, Toll Gates, or Bars in lieu thereof, on such Terms as the Local Board and the Trustees or Corporation or Person or Surveyor aforesaid may agree upon between themselves; provided that in case any Mortgage Debt is charged upon the Tolls of any such Turnpike Road, no Agreement shall be made for the Removal of any of the Toll Gates or Bars thereon, unless with the previous Consent in Writing of a Majority of at least Two Thirds in Value of the Mortgagees; and that when the Terms arranged shall include any annual or other Payments from the Local Board to the Trustees, then such Payments may be secured on the local Rates in the same Manner as other Charges on the Rates are authorized by this Act; provided also, that all Executors, Administrators, Guardians, Trustees, and all Committees of the Estates of Idiots and Lunatics, who as such are for the Time being entitled to any Money charged or secured on the Tolls of any such Turnpike Road, may consent to any such Agreement as aforesaid, as fully as if they respectively were so entitled in their own Right, discharged of all

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all Trusts in respect thereof, and all Executors, Administrators, Guardians, Trustees, and Committees so consenting are hereby severally indemnified for so doing.

XLII. And whereas by the Seventieth Section of the Public Health Act, 1848, it is provided that no Street shall become a Highway, under the Provisions of such Section, if within One Month after Notice in Writing shall have been first put up as therein mentioned the Proprietor of such Street, or the Person representing or entitled to represent such Proprietor, shall, by Notice in Writing to the Local Board, object thereto; and Doubts have arisen as to the Effect of such Provision: Be it enacted, That no such Objection shall be of Force unless made either by the sole Proprietor, or (if more than One) by the Majority in Number of such Proprietors, and in ascertaining such Majority joint Proprietors shall be reckoned and considered One Proprietor.

Objections under Sect. 70. of 11 & 12 Vict. c. 63. to be made by the sole Proprietor, or if more than One by a Majority.

XLIII. Notwithstanding anything contained in the Public Health Act, 1848, or this Act, it shall not be lawful for any Local Board to open or in any way disturb any of the public Roads or Footpaths under the Charge of the Commissioners of the Metropolis Turnpike Roads North of the *Thames*, or of the *New Cross* Turnpike Roads, or of the Trustees acting in execution of the *Surrey* and *Sussex* Roads Act, 1850, except upon the Conditions and subject to the Regulations herein-after contained; that is to say,

Certain Roads herein named not to be interfered with except upon Conditions, &c. herein named.

- (1.) The Local Board shall leave at the Office of the Commissioners or Trustees of such Road Seven Days previous Notice, containing full Particulars of any Works intended to be executed by them, and affecting any of such Roads:
- (2.) If the General Surveyor of the said Commissioners or Trustees directs the Works to be on any particular Part of such Roads the Local Board shall be bound to obey such Directions:
- (3.) Except by the Permission of the said Commissioners or Trustees, the Traffic of any of the said Roads shall not at One Time be stopped or in any way hindered along more than Half of its Width, nor if the Half left open is of less than the clear Width of Fourteen Feet, along more than One hundred Yards in Length; and no Alteration shall be made in the Inclination of any of the said Roads of more than One Foot in Sixty Feet:
- (4.) All Works shall be done under the Superintendence of the General Surveyor; and all such Precautions as he may direct for the Protection and Convenience of the Public shall be taken by and at the Expense of the Party doing the Works, and in default the said Surveyor shall cause to be

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done in that Behalf what he may think proper; and the Party doing the Works shall in all Cases of Damage occurring by reason of such Works, and whether such Precautions are or not taken, be answerable to the Person suffering such Damage, the said Commissioners or Trustees being hereby absolved from all Liability in respect of the Consequences of such Works:

- (5.) The Party doing the Works shall, as regards every Road opened or disturbed, restore the same to its original State as to Surface and Materials, and, in order to meet the Expenses consequent upon the Subsidence of Materials newly filled in, shall repay to the said Commissioners or Trustees, on Demand, such Sum as they have expended in Restoration of the Road, not exceeding One Shilling for every superficial Square Yard, and, so far as the Works affect the same, shall make good all Drainage, Paving of Water Channels, Curbs of Footpaths, and other Matters and Things connected with the Maintenance of the said Roads; and on default the said Surveyor may cause to be done in that Behalf what he may think fit; and the said Surveyor may recover the Expense so incurred by him in a summary Manner.

Incorporated Powers.

Certain Provisions of 10 & 11 Vict. c. 89. incorporated with this Act.

XLIV. The Provisions of "The Towns Police Clauses Act, 1847,"

- (1.) With respect to Obstructions and Nuisances in the Streets,
- (2.) With respect to Fires,
- (3.) With respect to Places of Public Resort,
- (4.) With respect to Hackney Carriages,
- (5.) With respect to Bathing,

Shall be incorporated with this Act.

Certain Provisions of 10 & 11 Vict. c. 34. incorporated with this Act.

XLV. The Provisions of "The Towns Improvement Clauses Act, 1847," with respect to the following Matters, that is to say,

- (1.) With respect to naming the Streets and numbering the Houses,
- (2.) With respect to improving the Line of the Streets and removing Obstructions,
- (3.) With respect to ruinous or dangerous Buildings,
- (4.) With respect to Precautions during the Construction and Repair of the Sewers, Streets, and Houses,
- (5.) With respect to the Supply of Water except the Proviso thereto,
- (6.) With respect to the Prevention of Smoke,
- (7.) With respect to Slaughter-houses,
- (8.) With respect to Clocks,

Shall

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Shall be incorporated with this Act, subject to this Qualification, that the above-mentioned Provisions with respect to the Prevention of Smoke shall not extend to compel the Consumption of all Smoke in the Case of all or any of the Processes following; that is to say, to the coking of Coal, the calcining of Ironstone or Limestone, the making or burning of Bricks, Earthenware, Quarries, Tiles or Pipes, the raising of any Mines or Minerals, the smelting of Iron Ores, the refining, puddling, shingling, and rolling of Iron or other Metals, or to the melting and casting of Iron into Castings, or to the Manufacture of Glass, in any District where the Provisions of the said Act for the Prevention of Smoke are not now in force, in which the Local Board shall resolve that any One or more of such Processes should be exempted from Penalties for not consuming all Smoke for any Time specified in such Resolution, not exceeding Ten Years, which may be annually renewed for a similar or any shorter Period, if the Board shall think fit; and any Justice or Justices before whom any Person shall be summoned may remit the Penalty in any Case within such District in which he or they shall be of opinion that such Person has adopted the best known Means for preventing any Nuisance from Smoke, and has carefully attended to the same, so as to consume, as far as possible, the Smoke arising from any Process so exempted during such Time as any such Resolution shall extend to, unless an Order shall be issued by One of Her Majesty's Principal Secretaries of State directing that such Exemption shall no longer be continued in such District to such Processes, or any of them, after a Time specified in such Order.

XLVI. In any District where the Public Health Act, 1848, is in force, or where this Act is adopted, and in which the Act passed in the Third and Fourth Years of the Reign of King *William the Fourth*, intituled *An Act to repeal an Act of the Eleventh Year of His late Majesty King George the Fourth, for the lighting and watching of Parishes in England and Wales, and to make other Provisions in lieu thereof*, has been adopted, the said last-mentioned Act shall be superseded by this Act, and all Lamps, Lamp Posts, Gas Pipes, Fire Engines, Hose, and other Property vested in the Inspectors for the Time being under the said Act, shall, in all existing Districts under the Public Health Act, 1848, and elsewhere upon the Adoption of this Act, vest in the Local Board.

Watching
and Lighting
Act (3 & 4
W. 4. c. 90.)
to be super-
seded by
this Act.

XLVII. In any District where a Vestry adopts the Act passed in the Tenth Year of the Reign of Her present Majesty, Chapter Seventy-four, and intituled *An Act to encourage the Establishment of Public Baths and Wash-houses*, the Local Board may, at the

Where Ves-
tries adopt
Provisions of
10 & 11 Vict.
c. 74., Local
Board to be

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the Commissioners under that Act.

the Option of the said Vestry, be the Commissioners for the Execution of the said Act, and shall thereupon have all the Powers, Duties, Rights, and Obligations of Commissioners under the said Act; and all Expenses incurred by the Local Board in carrying into execution the Powers given to them by the said Act shall be defrayed out of General District Rates, and all Receipts by them by reason of the Exercise of such Powers shall be carried to the District Fund Account.

Sections of 11 & 12 Vict. c. 63. as to Slaughter-houses repealed.

XLVIII. The Sixty-first and so much of the Sixty-second Sections of the Public Health Act, 1848, as empowers the Local Board to make Byelaws with respect to all Slaughter-houses shall be repealed.

Local Board to be Burial Board of District, though the Burial Ground be provided for Parts of the District only.

XLIX. In any District where a Vestry of any One or more Parish or Place comprised therein having a known or defined Boundary adopts the Act passed in the Twentieth and Twenty-first Year of the Reign of Her present Majesty, Chapter Eighty-one, and intituled *An Act to amend the Burial Acts*, the Local Board may, at the Option of such Vestry, be the Burial Board for the Execution of the said Act within such Parish or Parishes, Place or Places, so adopting the Act as aforesaid, and shall thereupon have all the Powers, Duties, Rights, and Obligations of a Burial Board under the said Act; and all Expenses incurred by the Local Board in carrying into execution the Powers given to them by the said Act shall be defrayed out of Rates to be levied on such Parish or Parishes, Place or Places, so adopting the Act as aforesaid, in the same Manner as General District Rates are to be levied under the Provisions of this Act; and all Receipts by them, by reason of the Exercise of such Powers, shall be carried to the Credit of such Parish or Parishes, Place or Places, so adopting the Act as aforesaid: Provided nevertheless, that in case the Parish or Parishes, Place or Places comprised in such District so adopting the Act as aforesaid shall have been declared a Ward or Wards for the Election of Members of the Local Board, and Members shall have been elected by and for such Ward or Wards, the last-mentioned Members shall form the Burial Board for such Parish or Parishes, Place or Places so formed into a Ward or Wards as aforesaid, instead of the Members of the said Local Board, and shall have all the like Powers, Duties, Rights, and Obligations of the Burial Board under said Act of the Twentieth and Twenty-first Years of the Reign of Her present Majesty, Chapter Eighty-one.

Power of Local Board to establish Markets,

L. The Local Board shall in Non-Corporate Districts, with the Consent of the Owners and Ratepayers of the District, to be expressed by

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by Resolution in the Manner herein provided with respect to Resolutions for the Adoption of this Act, and in Corporate Districts shall, with the Consent of Two Thirds of the Local Board, have the Power to do the following Things or any of them within their District :

with Consent
of Owners
and Rate-
payers.

(1.) To provide a Market Place, and construct a Market House and other Conveniences, for the Purpose of holding Markets :

To provide Houses and Places for weighing Carts :

To make convenient Approaches to such Market :

To provide all such Matters and Things as may be necessary for the convenient Use of such Market :

To purchase or take on Lease Land, and public or private Rights in Markets, and Tolls, for any of the foregoing Purposes :

To take Stallages, Rents, and Tolls in respect of the Use by any Person of such Market House :

But no Market or Slaughter-house shall be established in pursuance of this Section so as to interfere with any Rights, Powers, or Privileges enjoyed within the District by any Person, chartered Joint Stock or incorporated Company, without his or their Consent :

(2.) For the Purpose of enabling any Local Board to establish Markets in manner aforesaid, or to regulate Markets already established in any Corporate Borough before the Constitution of a Local Board therein, there shall be incorporated with this Act the Provisions of "The Markets and Fairs Clauses Act, 1847," in so far as the same relate to Markets:

Provisions of
10 & 11 Vict.
c. 14. as to
Markets,
&c. incor-
porated.

With respect to the holding of the Market or Fair, and the Protection thereof; and

With respect to the weighing Goods and Carts; and

With respect to the Stallages, Rents, and Tolls; and

With respect to Byelaws;

Subject to this Proviso, that all Tolls leviable by the Local Board in pursuance of this Section shall be approved by One of Her Majesty's Principal Secretaries of State.

Water Supply.

LI. The Powers given to Local Boards by the Seventy-sixth Section of the Public Health Act, 1848, shall extend to any House within their District to which a Supply of Water can be provided at an Expense not exceeding the Water Rate authorized by the said Act or any Local Act in force in the District, and Notices under that Section shall be served on Owners of Houses so supplied instead of Occupiers, and Expenses incurred under that Section shall be recoverable from such Owners.

Powers of
Sect. 76. of
11 & 12 Vict.
c. 63. as to
Water Sup-
ply extended
to this Act.

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Power of
carrying
Water
Mains.

LII. Where the Local Board supply Water to their District they shall have the same Power for carrying Water Mains within the District as they have for carrying Sewers by the Law in force for the Time being.

Power to
Directors of
Waterworks
or Market
Company to
sell Works,
&c. to Local
Boards.

LIII. It shall be lawful for any Local Board of Health absolutely to purchase, and for the Directors for the Time being of any Waterworks Company or Market Company, by and with the Authority of Three Fifths of the Shareholders for the Time being in such Company who may be present, either personally or by proxy, at some General Meeting of the Company specially convened for the Purpose, to sell, convey, and transfer unto any Local Board of Health, upon such Terms as shall be mutually agreed upon between the Company and the Local Board, all the Rights, Powers, and Privileges, and all or any of the Lands and Premises, Works, Matters, and Things, which at the Time of such Purchase shall be the Property of the Company, but subject to all Mortgages, Contracts, or Liabilities to which the same shall be then subject.

Expenses and Rates.

Sect. 86. of
11 & 12 Vict.
c. 63. as to
the Power of
levying
Special Dis-
trict Rate,
repealed.

Debts in-
curred and
Contracts
entered into
before
passing of
this Act
enforced.

LIV. (1.) The Eighty-sixth Section of the Public Health Act, 1848, shall be repealed; and whenever Special District Rate is mentioned in the Public Health Act, 1848, that Act shall be read as if no such Rate were mentioned therein: Provided always, that all Debts incurred and Contracts and Engagements entered into by or to any Local Board previously to the passing of this Act shall be enforced, and all Powers vested in any Local Board of raising Money by Rates, Tolls, or other Means for the Purpose of satisfying all such of the said Debts, Contracts, and Engagements as were incurred or entered into by such Local Board, shall be exercised, in the same Manner as if this Act had not been passed:

(2.) No Publication shall be required of any Private Improvement Rate:

(3.) The Costs of the Levy of Arrears of any Rate may be included in the Warrant for such Levy:

(4.) When any Rate is appealed against, or the Validity of any Rate is disputed, the Time during which the Appeal remains undecided, or any legal Proceedings concerning or relating to such Rate shall be pending, shall be excluded in calculating the Period of Six Months within which the Rate may be made retrospectively:

(5.) Notice of Demand of Rates may be served in the same Way as Notice is herein-after directed to be served by a Local Board before putting in force the Powers of Local Boards for the taking of Land otherwise than by Agreement.

LV. The

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LV. The Eighty-eighth and Ninety-fifth Sections of "The Public Health Act, 1848," shall be repealed, and in lieu thereof be it enacted, That the General District Rates shall be made and levied upon the Occupier of all such Kinds of Property as by the Laws in force for the Time being are or may be assessable to any Rate for the Relief of the Poor, and shall be assessed upon the full net annual Value of such Property, ascertained by the Rate (if any) for the Relief of the Poor made next before the making of the Assessments under this Act, subject, however, to the following Exceptions, Regulations, and Conditions; namely,

Mode of Assessment of General District Rate, and Provision for compounding for Rates in the Case of small Tenements.

The Owner, instead of the Occupier, may, at the Option of the Local Board, be rated in Cases—

Where the rateable Value of any Premises liable to Assessment under this Act does not exceed the Sum of Ten Pounds; or

Where any Premises liable to an Assessment are let to weekly or monthly Tenants; or

Where any Premises so liable as aforesaid are let in separate Apartments, or where the Rents become payable or are collected at any shorter Period than quarterly; subject to this Proviso, that in Cases where the Owner is rated instead of the Occupier he shall be assessed upon such reduced Estimate as the Local Board deems reasonable of the net annual Value, not being less than Two Thirds nor more than Four Fifths of such annual Value:

And where such reduced Estimate is in respect of Tenements, whether occupied or unoccupied, then such Assessment may be made on One Half of the Amount at which such Tenements would be liable to be rated if the same were occupied and the Rate were levied on the Occupiers:

The Owner of any Tithes, or of any Tithe Commutation Rent-charge, or the Occupier of any Land used as Arable, Meadow, or Pasture Ground only, or as Woodlands, Market Gardens, or Nursery Grounds, and the Occupier of any Land covered with Water, or used only as a Canal or Towing-path for the same, or as a Railway constructed under the Powers of any Act of Parliament for public Conveyance, shall be assessed in respect of the same in the Proportion of One Fourth Part only of such net annual Value thereof:

Certain Kinds of Property assessable on One Fourth of their net annual Value.

Provided nevertheless, that if within any District or Part of a District any Kind of Property be exempted from rating by any Local Act in respect of all or any of the Purposes for which General District Rates may be made under this Act, the same Kind of Property shall, in respect of the same Purposes, and to the same Extent within the

Provision as to Exemptions from rating under Local Acts.

Parts

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Parts to which the Exemption applies, but not further or otherwise, be exempt from Assessment to any General District Rates under this Act, unless a Provisional Order obtained and confirmed by Parliament in manner herein-after provided shall otherwise direct.

Poor Rate
Books to be
accessible
for rating
under Public
Health Acts.

Power of
Valuation as
prescribed
by 6 & 7 W. 4.
c. 96. in case
there should
be no As-
sessment.

LVI. For the Purpose of assessing the General District Rate, any Person appointed by the Local Board may inspect, take Copies of or make Extracts from, any Rate for the Relief of the Poor within the District, or any Books relating to the same; and if any Officer having the Custody of such last-mentioned Rate or Book refuses to permit any such Inspection, or the taking of any such Copies or Extract, he shall for each Offence incur a Penalty not exceeding Five Pounds: If there is no such Assessment as aforesaid for the Relief of the Poor by reference to which such net annual Value can be estimated, or if such Assessment is, in the Judgment of the Local Board, an unfit Criterion for making a General District Rate, a Valuation shall be made by a Person appointed by the Local Board for that Purpose, in manner, as near as Circumstances will permit, prescribed by an Act passed in the Seventh Year of the Reign of King *William* the Fourth, intituled *An Act to regulate Parochial Assessments*, or any other Act for the Time being in force for regulating Parochial Assessments; and the net annual Value of the Property shall be ascertained by reference to the said Valuation and Assessment.

Sections 107.
113. and 119.
of 10 & 11
Vict. c. 63.
repealed, and
Power given
for raising
Money on
Credit of
Rates.

LVII. The One hundred and seventh, the One hundred and thirteenth, and the One hundred and nineteenth Sections of the Public Health Act, 1848, shall be repealed; and in lieu thereof be it enacted, That the Local Board, or any Board of Improvement Commissioners exercising the borrowing Powers of the Public Health Act, 1848, may for the Purpose of defraying any Costs, Charges, and Expenses incurred or to be incurred by them in the Execution of this Act or of any Act incorporated herewith, or of any Act incorporating the Powers of the Public Health Act, 1848, borrow and take up at Interest, on the Credit of the Charges and Rates authorized to be made or collected under the said Acts respectively, any Sums of Money necessary for defraying any such Costs, Charges, and Expenses; and for the Purpose of securing the Repayment of any Sums so borrowed, together with such Interest as aforesaid, the said Local Board may mortgage to the Persons by or on behalf of whom such Sums are advanced the said Charges and Rates or any of them; but the Exercise of the above Power shall be subject to the following Regulations:

(1.) Such Money shall not be borrowed except for permanent Works, nor without the Sanction of One of Her Majesty's Principal Secretaries of State:

(2.) The

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- (2.) The Money so borrowed shall not, except as herein-after provided, at any Time exceed in the whole the assessable Value for One Year of the Premises assessable within the District in respect of which such Money may be borrowed :
- (3.) The Money may be borrowed for such Time, not exceeding Thirty Years, as the Local Board, with the Sanction of One of Her Majesty's Principal Secretaries of State, determine in each Case ; and, subject as aforesaid, the Local Board may either pay off the Monies so borrowed by equal annual Instalments, or they may in every Year set apart as a Sinking Fund, and accumulate in the way of Compound Interest by investing the same in the Purchase of Exchequer Bills or other Government Securities, such Sum as will be sufficient to pay off the Monies so borrowed, or a Part thereof, at such Times as the Local Board may determine :

And in Cases where the Local Board borrow any Money for the Purpose of defraying Private Expenses, or Expenses in respect of which they have determined a Part only of the District to be liable, it shall be the Duty of the Local Board, as between the Ratepayers of the District, to make good, so far as they can, the Money so borrowed, as Occasion requires, either out of Private Improvement Rates, or out of a Rate levied in such Part of the District as aforesaid.

LVIII. Where any Person shall advance Money for any Expenses which by the said Public Health Act, 1848, are, or by the said Local Board shall be, declared to be Private Improvement Expenses, the said Local Board, on being satisfied by the Report of their Surveyor or otherwise that the Money advanced by such Person has been duly expended, may issue a Grant in the Form B. in the Schedule hereunto annexed to such Person of a yearly Rentcharge to be issuable out of the Premises in respect whereof such Advance shall have been made, or out of such Part thereof, to be specified in such Grant, as the said Local Board shall think proper and sufficient, such Rentcharge to be Personal Estate, and to begin to accrue from the Day of Completion of the Works on which such Money shall have been expended as aforesaid, and to be payable by equal half-yearly Payments for and during a Term not exceeding Thirty Years, in such Manner that the whole of the said Sum so to be advanced as aforesaid, with the Costs of preparing the said Grant so to be issued as aforesaid, together with Interest thereon respectively, at a Rate not exceeding Six Pounds *per Centum per Annum* upon the Sum from Time to Time remaining unpaid, shall be repaid at the End of the said Term : Provided always, that the Grantee of

Rentcharge
may be
granted for
Advances
made to meet
First Cost of
Private Im-
provements.

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such Rentcharge shall for the Recovery of the same have all the Powers, Authorities, Rights, and Remedies of the said Local Board with respect to Private Improvement Rates, and the Provisions of the Ninety-first and Ninety-second Sections of the Public Health Act, 1848, shall also be applicable to such Rentcharge.

Rentcharges
to be regis-
tered.

LIX. All Rentcharges made in pursuance of this Act, and Transfers thereof, shall be registered in the same Manner respectively as Mortgages and Transfers are required to be registered under the One hundred and eleventh and One hundred and twelfth Sections of the Public Health Act, 1848.

Audit of Accounts.

Provisions
as to Audit
of Accounts.

LX. The One hundred and twenty-second Section of the Public Health Act, 1848, shall be repealed, and in lieu thereof be it enacted as follows : Where the Mayor, Aldermen, and Burgesses of a Borough are the Local Board, the Accounts of the Receipts and Expenditure of the Local Board shall be audited and examined by the Auditors of the Borough, and shall be published in like Manner and at the same Time as the Municipal Accounts, and the Auditors shall proceed in the Audit after like Notice and in like Manner, shall have like Powers and Authorities, and perform like Duties, as in the Case of auditing the Municipal Accounts ; and each of such Auditors shall in respect of each Audit be paid, out of the General District Rates levied under this Act, such reasonable Remuneration, not being less than Two Guineas for every Day in which they are employed in such Audit, as the Local Board from Time to Time appoints ; and any Order of the Local Board for the Payment of any Money may be removed by Certiorari, and like Proceedings may be had thereon as under Section Forty-four of the Act of the First Year of Her Majesty, Chapter Seventy-eight, with respect to Orders of the Council of a Borough for Payments out of the Borough Fund :

With respect to Districts not Boroughs, as follows :

- (1.) The Accounts of the Receipts and Expenditure of the Local Board shall be audited and examined once in every Year, as soon as can be after the Twenty-fifth Day of *March*, by the Auditor of Accounts relating to the Relief of the Poor for the Union in which the District or the greater Part thereof is situate, unless such Auditor is a Member of the Local Board, whose Accounts he is appointed to audit, in which Case such Accounts shall be audited by such Auditor of any adjoining Union as may from Time to Time be appointed by the Local Board of Health :

And

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And any Auditor acting in pursuance of this Section shall disallow every Item of Account contrary to Law, and surcharge the same upon the Person making or authorizing the making of the illegal Payment, and shall certify the same to be due from such Person, and upon Application by any Party aggrieved shall state in Writing the Reasons for his Decision in respect of such Disallowance or Surcharge, and also of any Allowance which he may have made; and any Person aggrieved by Disallowance made may apply to the Court of Queen's Bench for a Writ of Certiorari to remove the Disallowance into the said Court, in the same Manner and subject to the same Conditions as are provided in the Case of Disallowances by Auditors under the Laws for the Time being in force with regard to the Relief of the Poor; and the said Court shall have the same Powers with respect to Allowances, Disallowances, and Surcharges under this Act as it has with respect to Disallowances or Allowances by the said Auditors; or in lieu of such Application any Person so aggrieved may appeal to One of Her Majesty's Principal Secretaries of State, who shall have the same Powers in the Case of the Appeal as are possessed by the Poor Law Board in the Case of Appeals against Allowances, Disallowances, and Surcharges by the said Poor Law Auditors :

Power of Allowance, Disallowance, and Surcharge.

Disallowances may be removed by Certiorari into Court of Queen's Bench.

Appeal against Disallowances.

- (2.) Every Sum certified to be due from any Person by the Auditor under this Act shall be paid by such Person to the Treasurer of the Local Board within Fourteen Days after the same shall have been so certified, unless there be an Appeal against the Decision; and if such Sum shall not be so paid, and there be no such Appeal, the Auditor shall recover the same from the Person against whom the same shall have been certified to be due by the like Process and with the like Powers as in the Case of Sums certified upon the Audit of the Poor Rate Accounts, and shall be paid by the Local Board all such Costs and Expenses, including a reasonable Compensation for his Loss of Time incurred by him in such Proceedings, as shall not be recovered by him from such Person :

As to Recovery of Disallowances.

- (3.) For the Purpose of any Audit of Account under this Act, every Auditor may, by Summons in Writing, require the Production before him of all Books, Deeds, Contracts, Accounts, Vouchers, and all other Documents and Papers which he may deem necessary, and may require any Person holding or accountable for any such Books, Deeds, Contracts, Accounts, Vouchers, Documents, or Papers to appear

Power to Auditor to require Production of Books.

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appear before him at any such Audit or any Adjournment thereof, and to make and sign a Declaration as to the Correctness of the same; and if any such Person neglects or refuses so to do, or to produce any such Books, Deeds, Contracts, Accounts, Vouchers, Documents, or Papers, or to make or sign such Declaration, he shall incur for every Neglect or Refusal a Penalty not exceeding Forty Shillings; and if he falsely or corruptly makes or signs any such Declaration, knowing the same to be untrue in any material Particular, he shall be liable to the Penalties inflicted upon Persons guilty of wilful and corrupt Perjury; and such Auditor shall in respect of each Audit be paid, out of the General District Rates levied under this Act, such reasonable Remuneration, not being less than Two Guineas for every Day in which he is employed in such Audit, as the Local Board from Time to Time appoints, together with his Expenses of travelling to and from the Place of Audit:

Notice of
Audit.

- (4.) Before each Audit of Accounts under this Act, the Local Board shall, after receiving from the Auditor the requisite Appointment, give Twenty Days Notice of the Time and Place at which the same will be made, by Advertisement in some One or more of the public Newspapers circulated in the District; and a Copy of the Accounts to be audited, together with all Rate Books, Account Books, Deeds, Contracts, Accounts, Bills, Vouchers, and Receipts mentioned or referred to in such Accounts, shall be deposited in the Office of the Local Board, and be open, during Office Hours thereat, to the Inspection of all Persons interested, for Seven Days before the Audit; and all such Persons shall be at liberty to take Copies of or Extracts from the same, without Fee or Reward; and the Production of the Newspaper containing such Notice shall be deemed to be sufficient Proof of the Notice of Audit on any Proceeding whatsoever:

Report of
Auditor.

- (5.) Within Fourteen Days after the Completion of the Audit, the Auditor shall report upon the Accounts audited and examined, and shall deliver such Report to the Clerk of the Local Board, who shall cause the same to be deposited in the Office of the Local Board, and shall publish an Abstract of such Accounts in some One or more of the Newspapers circulated in the District.

Legal Proceedings.

Notices by
Local Boards
to be signed
by Clerk.

LXI. Any Summons, Demand, or Notice, or other such Document under the Public Health Act, 1848, or any supplemental Act or this Act, may be in Writing or Print, or partly in Writing and

Local Government.

and partly in Print, and if the same require Authentication by the Local Board, the Signature thereof by the Clerk to the Local Board shall be sufficient Authentication.

LXII. Where the Local Board have incurred Expenses for the Repayment whereof the Owner of the Premises for or in respect of which the same are incurred is made liable, either by Application of or Agreement with the Owner, or by the Public Health Act, 1848, or any Act incorporated therewith, or this Act, the same may be recovered from the Person who is Owner of such Premises when the Works are completed for which such Expenses have been incurred, in the Manner provided by the Public Health Act, 1848, and such Expenses shall be a Charge on the Premises in respect of which they were incurred, and shall bear Interest at the Rate of Five Pounds *per Centum per Annum* till Payment thereof. In all summary Proceedings by a Local Board for the Recovery of Expenses incurred by them in Works of Private Improvement, the Time within which such Proceedings may be taken shall be reckoned from the Date of the Service of Notice of Demand.

Expenses due from Owners to be a Charge on Premises.

LXIII. Notwithstanding anything in the Public Health Act contained, in all Cases where by such Act the Local Board shall have incurred Expenses for the Repayment whereof the Owner of the Premises for or in respect of which the same are incurred is made liable by the Public Health Act, 1848, or any Act incorporated therewith, or by this Act, and such Expenses have been settled and apportioned by the Surveyors as payable by such Owner, such Apportionment shall be binding and conclusive upon such Owner, unless within the Expiration of Three Months from the Time of Notice being given by the Local Board or their Surveyor of the Amount of the Proportion so settled by the said Surveyor to be due from such Owner he shall by written Notice dispute the same.

Apportionment of Expenses payable by Owners to be conclusive after Three Months from Notice given to them of the Amount.

LXIV. All Questions referable to Arbitration under the Public Health Act, 1848, or this Act, or any Act incorporated therewith, may, when the Amount in dispute is less than Twenty Pounds, be determined before Two Justices in a summary Manner, but the Justices may, if they think fit, require that the Work in respect of which the Claim of the Local Board is made, and the Particulars of the Claim, be reported on to them by any competent Surveyor, not being the Surveyor of the Local Board; and the Justices may determine the Amount of Costs incurred on that Behalf, and by whom such Costs or any Part of them shall be paid.

Arbitration to be confined to Cases involving more than 20l.

Local Government.

Memorials
in respect
of Private
Improve-
ment
Charges.

LXV. Memorials under the One hundred and twentieth Section of the Public Health Act, 1848, from and after the First Day of *September* One thousand eight hundred and fifty-eight, shall be addressed to One of Her Majesty's Principal Secretaries of State, who shall have the same Powers in respect thereof as are vested in the General Board of Health by the said Section.

Penalty on
Injury to
Works, &c.
of Local
Board.

LXVI. If any person wilfully injures any Works or Materials belonging to any Local Board, he shall in Cases where no other Penalty is provided by the Public Health Act, 1848, or any Act incorporated therewith, incur for every such Offence a Penalty not exceeding Five Pounds, to be recovered in a summary Manner.

Penalties to
be payable
to District
Fund
Account.

LXVII. All Penalties incurred in any Corporate Borough, and made payable to the Local Board of Health by the Public Health Act, 1848, or any Act incorporated therewith, or this Act, or any Act of which the Powers are to be executed by a Local Board, shall be payable to the District Fund Account, any Act to the contrary notwithstanding.

Saving Clauses.

Section 145.
of 11 & 12
Vict. c. 63.
repealed, and
Provisions
herein
named in
lieu thereof.

LXVIII. The One hundred and forty-fifth Section of the Public Health Act shall be repealed, and in lieu thereof be it enacted, That nothing in this Act shall be construed to authorize any Local Board of Health,

(1.) To use, injure, or interfere with any Sluices, Floodgates, Sewers, Groynes, or Sea Defences, or other Works, already or hereafter made under the Authority of any Commissioners of Sewers appointed by the Crown, or any Sewers or other Works already or hereafter made and used for the Purpose of draining, preserving, or improving Land under any Local or Private Act of Parliament, or for the Purpose of irrigating Land, or in any Manner to disturb or interfere with any Lands, Hereditaments, Estates, or Property vested in Her Majesty's Principal Secretary of State for the War Department for the Time being, without Consent in Writing first obtained from such Commissioners or Secretary of State, or Persons acquiring Rights under such Local or Private Acts respectively; and nothing herein contained shall prejudice or affect the Rights, Privileges, Powers, or Authorities given or reserved to any Person under such Local or Private Acts;

(2.) To interfere with any River, Canal, Dock, Harbour, Lock, Reservoir, or Basin, so as to injuriously affect the Navigation thereon,

Saving
Clause for
Proprietors
of Canals,
&c.

Local Government.

thereon, or the Use thereof, or to interfere with any Towing-path so as to interrupt the Traffic thereof, in Cases where any Corporation, Company, Undertakers, Commissioners, Conservators, and Trustees, or Individuals, are by virtue of any Act of Parliament entitled to navigate on or use such River, Canal, Dock, Harbour, Lock, Reservoir, or Basin, or in respect of the Navigation on or Use of which River, Canal, Dock, Harbour, Lock, Reservoir, or Basin any Corporation, Company, Undertakers, Commissioners, Conservators, and Trustees, or Individuals, are entitled by virtue of any Act of Parliament to the Receipt of any Tolls or other Dues ;

- (3.) To interfere with any Watercourse in such Manner as to injuriously affect the Supply of Water to any River, Canal, Dock, Harbour, Reservoir, or Basin, in Cases where any Corporation, Company, Undertakers, Commissioners, Conservators, Trustees, or Individuals (being authorized by virtue of any Act of Parliament to navigate on or use such River, Canal, Dock, Harbour, Reservoir, or Basin, or to demand any Tolls or Dues in respect of the Navigation on or Use of such River, Canal, Dock, Harbour, Reservoir, or Basin), would, if this Act had not passed, have been entitled by Law to prevent or be relieved against such Interference ;
- (4.) To interfere with any Bridges crossing any River, Canal, Dock, Harbour, or Basin, in Cases where any Corporation, Company, Undertakers, Commissioners, Conservators, Trustees, or Individuals are authorized by virtue of any Act of Parliament to navigate or use such River, Canal, Dock, Harbour, or Basin, or to demand any Tolls or Dues in respect of the Navigation or Use of such River, Canal, Dock, Harbour, or Basin ;
- (5.) To execute any Works in, through, or under any Wharves, Quays, Docks, Harbours, or Basins, to the exclusive Use of which any Corporation, Company, Undertakers, Commissioners, Conservators, Trustees, or Individuals are entitled by virtue of any Act of Parliament, or for the Use of which they are entitled by virtue of any Act of Parliament to demand any Tolls or Dues,

Without the Consent in every Case of such Corporation, Company, Undertakers, Commissioners, Conservators, Trustees, or Individuals as are herein-before in that Behalf respectively mentioned, such Consent to be expressed in Writing, in the Case of a Corporation under their Common Seal, and in the Case of a Company
Undertakers,

Local Government.

Undertakers, Commissioners, Conservators, Trustees, or Individuals, under the Hand of their Clerk or other duly authorized Officer or Agent: Provided always, that nothing in this Act contained shall be construed to alter or affect the Maintenance of any Rights of Local Boards existing at the Time of the passing of this Act.

Works not within preceding Section, and which interfere with Improvement of Rivers, Canals, &c., to be referred to Arbitration.

LXIX. In Cases where any Matters or Things proposed to be done by any Local Board, and which are not within the Prohibition aforesaid, interfere with the Improvement of any River, Canal, Dock, Harbour, Lock, Reservoir, Basin, or Towing-path which any Corporation, Company, Undertakers, Commissioners, Conservators, Trustees, or Individuals are entitled by virtue of any Act of Parliament to navigate on or use, or in respect of the Navigation whereon or Use whereof to demand any Tolls or Dues, or interfere with any Works belonging to such River, Canal, Dock, Harbour, or Basin, or with any Land necessary for the Enjoyment or Improvement thereof, the Local Board shall give to such Corporation, Company, Undertakers, Commissioners, Conservators, Trustees, or Individuals as last aforesaid a Notice specifying the Particulars of the Matters and Things so intended to be done; and if the Parties on whom such Notice is served do not consent to the Requisitions thereof, the Matter in difference shall be referred to Arbitration; and the following Questions shall be decided by such Arbitration; (that is to say,)

- (1.) Whether the Matters or Things so proposed to be done by the Local Board will cause any Injury to such River, Canal, Dock, Harbour, Basin, Towing-path, Works, or Land as are herein-before mentioned in this Section, or to the Enjoyment or Improvement of such River, Canal, Dock, Harbour, or Basin as aforesaid:
- (2.) Whether any Injury that may be caused by such Matters or Things or any of them is or not of a Nature to admit of being fully compensated by Money.

Effect of Arbitration.

LXX. The Result of any such Arbitration shall be final, and the Local Board shall do as follows; (that is to say,)

If the Arbitrators are of opinion that no Injury will be caused, the Local Board may forthwith proceed to do the proposed Matters and Things:

If the Arbitrators are of opinion that Injury will be caused, but that such Injury is of a Nature to admit of being fully compensated by Money, they shall proceed to assess such Compensation; and upon Payment of the Amount so assessed, but not before, the Local Board may proceed to do the proposed Matters and things:

If

Local Government.

If the Arbitrators are of opinion that Injury will be caused, and that it is not of a Nature to admit of being fully compensated by Money, the Local Board shall not proceed to do any Matter or Thing in respect of which such Opinion may be given.

LXXI. No Transfer of Powers and Privileges under this Act shall deprive any Corporation, Company, Undertakers, Commissioners, Conservators, Trustees, or Individuals, authorized by virtue of any Act of Parliament to navigate on any River or Canal, or to demand for their own Benefit in respect of such Navigation any Tolls or Dues, of such Powers and Privileges as are vested in them by any Act of Parliament in relation to such River or Canal.

Provision as to Transfer of Powers, &c.

LXXII. Any Corporation, Company, Undertakers, Commissioners, Conservators, Trustees, or Individuals authorized by virtue of any Act of Parliament to navigate on or use any River, Canal, Dock, Harbour, or Basin, or to demand any Tolls or Dues in respect of the Navigation on such River or Canal, or the Use of such Dock, Harbour, or Basin, may, at their own Expense, and on substituting other Sewers, Drains, Culverts, and Pipes equally effectual, and certified as such by the Surveyor to the Local Board, take up, divert, or alter the Level of any Sewers, Drains, Culverts, or Pipes constructed by any Local Board, and passing under or interfering with such Rivers, Canals, Docks, Harbours, or Basins, or the Towing-paths of such Rivers, Canals, Docks, Harbours, or Basins, and do all such Matters and Things as may be necessary for carrying into effect such taking up, Diversion, or Alteration.

Power for Corporation to alter Sewers.

LXXIII. Nothing in this Act or any Act incorporated therewith shall be construed to authorize any Local Board to injuriously affect any Reservoir, River, or Stream, or the Feeders of any Reservoir, River, or Stream, or the Supply, Quality, or Fall of Water contained in any Reservoir, River, Stream, or Feeders of any Reservoir, River, or Stream, in Cases where any Company or Individuals would, if this Act had not passed, have been entitled by Law to prevent or be relieved against the injuriously affecting such Reservoir, River, Stream, Feeders, Supply, Quality, or Fall of Water, unless such Board shall have first obtained the Consent in Writing of such Company or Individuals so entitled as aforesaid.

Preserving Water Rights of Companies or Individuals.

LXXIV. Any Difference of Opinion that may arise between a Local Board and any such Corporation, Company, Commissioners, Conservators, Trustees, or Individuals, as aforesaid, whether any Sewers, Drains, Culverts, or Pipes substituted under the Powers of

Arbitration Questions under preceding Sections.

Local Government.

this Act for Sewers, Drains, Culverts, or Pipes constructed or laid down by any Local Board are equally effectual with those for which they are substituted, or whether the Supply, Quality, or Fall of Water in any such Reservoir, River, or Stream as last aforesaid is injuriously affected by the Exercise of Powers under this Act, may, at the Option of the Party complaining, be determined by Arbitration in the Manner herein-before provided; and in the latter Case the Arbitrators shall decide the same Questions as to the alleged Injury; and the Local Board shall proceed in the same Way as is herein-before provided with regard to Arbitrations in Cases of alleged Injury to Rivers, Canals, Docks, Harbours, and Basins.

Purchase of Land.

Regulation
as to the
Purchase
of Land.

LXXV. So much of the Eighty-fourth Section of the Public Health Act, 1848, as relates to the Incorporation of the Lands Clauses Consolidation Act, 1845, shall be repealed, and the following Regulations shall be observed with respect to the Purchase of Land by Local Boards for the Purposes of this Act; (that is to say,)

- (1.) The Lands Clauses Consolidation Act, 1845, shall be incorporated with this Act, except the Provisions relating to Access to the Special Act:
- (2.) The Local Board, before putting in force any of the Powers of the said Lands Clauses Consolidation Act, with respect to the Purchase and taking of Land otherwise than by Agreement, shall

Publication
of Notices.

Publish once at the least in each of Three consecutive Weeks in the Month of *November* in some Newspaper circulated in the District or some Part of the District within which such Local Board has Jurisdiction is situate, an Advertisement describing shortly the Nature of the Undertaking in respect of which the Land is proposed to be taken, naming a Place where a Plan of the proposed Undertaking may be seen at all reasonable Hours, and stating the Quantity of Land that they require; and shall further in the Month of *December*

Service of
Notices.

Serve a Notice in manner herein-after mentioned on every Owner or reputed Owner, Lessee or reputed Lessee, and Occupier of such Land, defining in each Case the particular Land intended to be taken, and requiring an Answer, stating whether the Person so served assents, dissents, or is neuter in respect of taking such Land; such Notice to be served

By Delivery of the same personally on the Party required to be served, or, if such Party is absent abroad, to his Agent; or

By

Local Government.

By leaving the same at the usual or last known Place of Abode of such Party as aforesaid; or

By forwarding the same by Post in a registered Letter addressed to the usual or last known Place of Abode of such Party :

- (3.) Upon Compliance with the Provisions herein-before contained with respect to Advertisements and Notices, the Local Board may, if they shall think fit, present a Petition under their Seal to One of Her Majesty's Principal Secretaries of State: The Petition shall state the Land intended to be taken, and the Purposes for which it is required, and the Names of the Owners, Lessees, and Occupiers of Land who have assented, dissented, or are neuter in respect of the taking such Land, or who have returned no Answer to the Notice: It shall pray that the Local Board may, with reference to such Land, be allowed to put in force the Powers of the said Lands Clauses Consolidation Act with respect to the Purchase and taking of Land otherwise than by Agreement, and such Prayer shall be supported by such Evidence as the Secretary of State requires : Power to Local Board to petition Secretary of State upon Matters herein stated.
- (4.) Upon the Receipt of such Petition, and upon due Proof of the proper Advertisements having been published and Notices served, the Secretary of State shall take such Petition into consideration, and may either dismiss the same, or direct an Inquiry in the District in which the Land is situate, or otherwise inquire as to the Propriety of assenting to the Prayer of such Petition; but until such Inquiry has been made in the District, after such Notice as may be directed by the Secretary of State, no Provisional Order shall be made affecting any Land, without the Consent of the Owners, Lessees, and Occupiers thereof: Secretary of State may direct Inquiry;
- (5.) After the Completion of the Inquiry as last aforesaid, the Secretary of State may, by Provisional Order, empower the Local Board to put in force with reference to the Land referred to in such Order the Powers of the said Lands Clauses Consolidation Act with respect to the Purchase and taking of Land otherwise than by Agreement, or any of them, and either absolutely or with such Conditions and Modifications as he may think fit, and it shall be the Duty of the Local Board to serve a Copy of any Order so made in the Manner and upon the Person in which and upon whom Notices in respect of such Land are herein-before required to be served: and may make Provisional Order:

(6.) No

Local Government.

No Provisional Order valid until confirmed by Parliament.

- (6.) No Provisional Order so made shall be of any Validity unless the same has been confirmed by Act of Parliament, and it shall be lawful for the Secretary of State as soon as conveniently may be to obtain such Confirmation, and the Act confirming such Order shall be deemed to be a Public General Act of Parliament :

Costs how to be defrayed.

- (7.) All Costs, Charges, and Expenses incurred by the said Secretary of State in relation to any such Provisional Order as last aforesaid shall, to such Amount as the Commissioners of Her Majesty's Treasury think proper to direct, become a Charge upon the General District Rates levied in the District to which such Order relates, and be repaid to the said Commissioners of Her Majesty's Treasury by annual Instalments not exceeding Five, together with Interest after the yearly Rate of Five Pounds in the Hundred, to be computed from the Date of any such last-mentioned Order, upon so much of the Principal Sum due in respect of the said Costs, Charges, and Expenses as may from Time to Time remain unpaid.

Local Board to report.

Local Board to report.

LXXVI. Every Local Board shall make an annual Report, in such Form and at such Time as the Secretary of State may from Time to Time direct, of all Works executed by them during the preceding Year, and of all Sums received and Disbursements made, under and for the Purposes of this Act, and publish the same in some Newspaper circulating in the District, and shall send a Copy to the Secretary of State.

Provisional Orders and Powers of Secretary of State.

Petition for Incorporation with or Separation from District or for Repeal, &c. of Local Acts.

LXXVII. The One hundred and forty-first Section of the Public Health Act, 1848, shall be repealed, and in lieu thereof be it enacted as follows : Whenever it appears desirable to the Local Board of any District, or to the Majority of the Owners and Ratepayers in any Parish, Township, Hamlet, or Place maintaining its own Roads or its own Poor, adjoining any District, or to the Majority of Owners and Ratepayers in any Part of a District, such Majorities to be ascertained in the Way herein provided for voting with respect to the Adoption of this Act,

That any Portion of such Parish, Township, Hamlet, or Place should be incorporated with the District, or that such Part of the District should be separated therefrom,

Or whenever it appears to the Local Board of any District desirable,

That

Local Government.

That Provision should be made for the future Execution of any Local Acts in force within such District, having relation to the Purposes of this Act, and not conferring Powers or Privileges upon Corporations, Companies, Undertakers, or Individuals, for their own pecuniary Benefit; or that any such Acts, or any Exemptions from rating derived therefrom, or any Provisional Order or Order in Council applying the Public Health Act, 1848, or Act confirming such Provisional Orders, should be wholly or partially repealed or altered.

(1.) They may present a Petition to One of Her Majesty's Principal Secretaries of State, praying for such Incorporation, Separation, Provision, Repeal, and Alteration as aforesaid, or for any of such Things, and such Petition shall be supported by such Evidence as the said Secretary requires :

(2.) Upon the Receipt of any such Petition Inquiry may be directed in the District in respect of the several Matters mentioned in the Petition, after giving Fourteen Days Notice of the Time, Place, and Subject of the Inquiry :

Power of Secretary of State on Receipt of Petition ;

(3.) It shall be lawful for any of Her Majesty's Principal Secretaries of State to issue a Provisional Order in relation to the several Things mentioned in the Petition, and either in accordance with the Prayer thereof, or with such Modifications as may be requisite ; and when the Order provides for the Incorporation of a Portion of any such Parish, Township, Hamlet, or Place with the District, or the Separation of any Part from the District, an Inspector shall proceed to the District for the Purpose of obtaining the Consent to such Order of the Place of which it is proposed that a Portion should be incorporated, or of the Part to be separated, and also, if such Order provide for any such Incorporation, the Consent of the petitioning District :

to issue Order, and obtain Consent of District.

(4.) The Consent of the Petitioning District to such Order shall be testified by a Resolution of the Local Board of such District, and the Consent of any Place or Part by a Resolution passed by a Majority of the Ratepayers resident in any such Place or Part assembled at a Meeting convened for the Purpose ; and the Inspector shall, for the Purpose of obtaining such Consents, have Power to convene Meetings of the Local Board of any District, or Meetings of the Ratepayers of any Place or Part, with Fourteen Days Notice of the Time, Place, and Subject of such Meetings, and to do all such Matters and Things as may be expedient for that Purpose :

Consents how testified.

(5.) In the Case of a Meeting of the Ratepayers of any Place or Part, the Ratepayers present shall elect a Chairman ; and a Declaration by the Chairman that the Opinion of the Meeting is in favour of or against any Resolution, as the Case may be, shall, in the Absence of Proof to the contrary, be sufficient Evidence that the Resolution is passed : The Inspector shall have Power to attend any such Meeting :

Provision as to Meetings of Part or Place.

Local Government.

Secretary of
State to
obtain Con-
firmation of
Order.

(6.) Whenever such Consents as aforesaid have been given in the Cases in which they are herein-before required, the said Secretary of State shall, as soon as conveniently may be, take all necessary Steps for the Confirmation of such Order by Act of Parliament; but previously to such Confirmation it shall not be of any Validity whatever, and every Act of Parliament confirming such Order shall be deemed a Public General Act. In case any Petition shall be presented to either House of Parliament against any Provisional Order framed in pursuance of this Act, in the Progress through Parliament of the Bill confirming the same, the Bill, so far as it relates to the Order so petitioned against, may be referred to a Select Committee, and the Petitioner shall be allowed to appear and oppose as in the Case of Private Bills.

Extension of
borrowing
Powers in
certain
Cases.

LXXVIII. Where a Local Board, or any Board of Improvement Commissioners exercising the borrowing Powers of the Public Health Act, 1848, or this Act, or of any Local Act, has contributed to, purchased, or executed Works of Sewerage and Water Supply, or proposes to contribute to, purchase, or execute such Works, and where the Cost of such Works exceeds or is estimated to exceed One Year's assessable Value of the Premises assessable within the District in respect of which such Money may be borrowed, it shall be lawful for such Board to present a Petition to One of Her Majesty's Principal Secretaries of State praying for Powers to borrow or reborrow for such Works, on Mortgage of the Rates leviable by them under the Public Health Act, 1848, and this Act, and any Local Act, an Amount not exceeding Two Years assessable Value of the Premises assessable within the District in respect of which such Money may be borrowed or reborrowed, such Amount to be repaid within such Period not exceeding Fifty Years as such Board, with the Sanction of One of Her Majesty's Principal Secretaries of State, shall in each Case determine; and it shall be lawful for any of Her Majesty's Principal Secretaries of State to direct Inquiry on such Petition, and to issue a Provisional Order thereupon, and to take Steps for the Confirmation of any such Provisional Order by Act of Parliament in the Manner sanctioned in the preceding Section.

Secretary of
State to
provide for
Execution
of Act.

LXXIX. It shall be lawful for the Secretary of State to report annually to Parliament on the Execution of this Act, to make or direct such Inquiries as are directed by this Act, and to appoint from Time to Time such Officers, Clerks, and Servants as he may require for the Purposes of this Act, and at his Pleasure to remove any such Officers, Clerks, or Servants; and the Commissioners of Her Majesty's Treasury shall fix the Salaries and Allowances of such Officers, Clerks, and Servants.

LXXX. Any

Local Government.

LXXX. Any Officer directed by One of Her Majesty's Principal Secretaries of State to inquire into any Matter into which such Secretary is empowered to direct Inquiry under this Act shall, for the Purposes of such Inquiry, have all the Powers vested in superintending Inspectors by the One hundred and twenty-first Section of the Public Health Act, 1848.

Powers for Inquiry directed by Secretary of State.

LXXXI. All Orders made by One of Her Majesty's Principal Secretaries of State in pursuance of this Act shall be binding and conclusive in respect of the Matters to which they refer; and any such Secretary may make Orders as to the Costs of any Appeal to him under this Act, and the Parties by whom such Costs are to be borne; and every such Order may be made a Rule of One of the Superior Courts of Law, on the Application of any Party named therein.

Orders of Secretary of State to be binding.

Oxford and Cambridge.

LXXXII. Notwithstanding anything contained in this Act, the *Oxford* and *Cambridge* Commissioners described in the Thirty-first Section of the Public Health Act, 1848, shall be the Bodies authorized to adopt this Act for the Districts respectively within their Jurisdiction; and in the event of the Adoption of this Act by the said *Cambridge* Commissioners, the said Commissioners shall be the Local Board for the District of *Cambridge*; and in the event of such Adoption by the said *Oxford* Commissioners, the Local Board of the *Oxford* District shall consist of the Vice-Chancellor of the University of *Oxford* and the Mayor of *Oxford* for the Time being, and of Forty-five other Commissioners, Fifteen to be elected by the University of *Oxford*, Sixteen by the Town Council of *Oxford*, and Fourteen by the Ratepayers of the Parishes situate within the Jurisdiction of the *Oxford* Commissioners; and the Election of such Commissioners by the Town Council and by the Ratepayers of the Parishes respectively shall be conducted at the same Time, in the same Way, and subject to the same Regulations in and subject to which Members constituting the Body of *Oxford* Commissioners are now respectively chosen by such Town Council and Parishes; and the Fifteen Commissioners to be elected by the University shall be elected as follows; namely, Four Commissioners shall be elected by the University in Convocation, and Eleven Commissioners shall be elected by the Heads and Senior Bursars of the several Colleges, and by the Heads of the several Halls; and the Elections shall be conducted by the said University, and by the Colleges and Halls respectively, at the same Time and in the same Way, and subject to the same Regulations, in and subject to which Guardians of the Poor for the University and for the Colleges and Halls are now chosen

by

Exception of *Oxford* and *Cambridge*.

Local Government.

by them respectively, save that in the Election of Commissioners the Heads and Bursars of all the Colleges and the Heads of all the Halls shall be summoned by the Vice-Chancellor for that Purpose, and shall be entitled to vote; and Differences between either of the Universities of *Oxford* and *Cambridge* and the Local Boards of *Oxford* and *Cambridge* respectively within the Meaning of the One hundred and fifth Section of the Public Health Act, 1848, shall be settled by Arbitration in the Manner provided by that Act.

Local Government.

FORM B.

By virtue of the Public Health Act, 1848, the Local Board of Health for the District of _____ do hereby declare and absolutely order that the Inheritance of the [Dwelling House, Shop, Lands, and Premises, *as the Case may be*], situate in _____ Street in the Parish of _____ within the said District, and now in the Occupation of _____ shall be absolutely charged with the Sum of _____ Pounds, paid by _____ of _____ for the Improvement by Drainage and Water Supply [*as the Case may be*] of the same Dwelling House, Shop, Lands, and Premises [*as the Case may be*], together with Interest for the same from the Date hereof at _____ Pounds per Centum per Annum, until full Payment thereof, and also all Costs incurred by the said _____ his Executors, Administrators, or Assigns, under this Security, shall be fully paid and satisfied: And we hereby further declare that the said Principal and Interest Monies shall be paid and payable by the Owner or Occupier of the said Premises to the said _____ his Executors, Administrators, and Assigns, in manner following; (that is to say,) the Interest on such Principal Sum of _____ Pounds, or on so much thereof as shall from Time to Time remain due and payable under this Order, shall be paid and payable by equal half-yearly Payments whilst payable on the _____ Day of _____ and the _____ Day of _____ in every Year, the First Payment thereof to be made on the _____ Day of _____ next, and such Principal Sum of _____ Pounds shall be paid and payable by _____ equal annual Instalments on the _____ Day of _____ in each of the next succeeding Years towards the Discharge of the same Principal Sum, until the whole shall be fully satisfied and discharged.

LONDON:

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ANNO VICESIMO SECUNDO & VICESIMO TERTIO

VICTORIÆ REGINÆ.

C A P. III.

An Act to amend and make perpetual “The Public Health Act, 1858.” [1st *August* 1859.]

WHEREAS an Act was passed in the Session holden in the Twenty-first and Twenty-second Years of Her Majesty 21 & 22 Vict. c. 97. (Chapter Ninety-seven) “for vesting in the Privy Council “ certain Powers for the Protection of the Public Health,” which Act was to be in force only until the First Day of *August* One thousand eight hundred and fifty-nine ; and it is expedient that Section Eight of the said Act should be repealed, and that, except such Section, the said Act should be made perpetual : Be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

Section Eight of the said Act shall be repealed, and, except the said Section, the said Act shall be and the same is hereby made perpetual. Act made perpetual, except s. 8.

LONDON :

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ANNO VICESIMO TERTIO & VICESIMO QUARTO

VICTORIÆ REGINÆ.

C A P. LXXVII.

An Act to amend the Acts for the Removal of
Nuisances and the Prevention of Diseases.

[6th August 1860.]

WHEREAS the Provisions of “The Nuisances Removal Act for *England*, 1855,” and “The Diseases Prevention Act, 1855,” concerning the Local Authority for the Execution of the said Acts are defective, and it is expedient that the said Acts should be amended as herein-after mentioned: Be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

18 & 19 Vict.
cc. 121. and
116.

Nuisances Removal.

I. Section Three, Section Six, Section Seven, and Section Nine of the said “Nuisances Removal Act for *England*, 1855,” shall be repealed: Provided always, that such Repeal as aforesaid shall not extend to any Charges or Expenses already incurred, but the same may be defrayed and recovered, and all Proceedings commenced or taken under the said Act, and not yet completed, may be proceeded with, and all Contracts under the said Act shall continue and be as effectual, as if this Act had not been passed.

Sections 3,
6, 7, and 9 of
18 & 19 Vict.
c. 121.
repealed.

Nuisances Removal and Diseases Prevention.

Local Authority to execute the Nuisances Removal Act.

II. The following Bodies shall respectively be the Local Authority to execute the said Nuisances Removal Act in the Districts hereunder stated in *England*:

In any Place within which the Public Health Act is or shall be in force, the Local Board of Health:

In any other Place wherein a Council exists or shall exist, the Mayor, Aldermen, and Burgesses by the Council, except in the City of *London* and the Liberties thereof, where the Local Authority shall be the Commissioners of Sewers for the Time being, and except in the City of *Oxford* and Borough of *Cambridge*, where the Local Authority shall be the Commissioners acting in execution of the Local Improvement Acts in force respectively in the said City and Borough:

In any Place in which there is no Local Board of Health or Council, and where there are or shall be Trustees or Commissioners under an Improvement Act, such Trustees or Commissioners:

In any Place within which there is no such Local Board of Health, Council, Body of Trustees, or Commissioners, if there be a Board of Guardians of the Poor for such Place, or for any Parish or Union within which such Place is situate, such Board of Guardians, and, if there be no such Board of Guardians, the Overseers of the Poor for such Place, or for the Parish of which such Place forms Part.

Highway Board or Nuisances Removal Committees now subsisting may be continued so long as they employ Sanitary Inspectors.

III. Provided, That in any Place where a Highway Board or "The Nuisances Removal Committee" chosen by the Vestry in pursuance of the said Act is subsisting, and at the Time of the passing of this Act employs or joins with other Local Authorities in employing a Sanitary Inspector or Inspectors, such Highway Board or Nuisances Removal Committee may continue to act, and a like Committee may be annually chosen by the Vestry for such Place in the same Manner as if this Act had not been passed; but in case in any Year the Nuisances Removal Committee be not chosen for such Place in manner provided by the said Act, or if the Highway Board or Committee now subsisting or hereafter chosen fail for Two Months in any Year to appoint or employ a Sanitary Inspector or Inspectors, the Authority of such Highway Board or Committee shall cease, and no like Committee shall be chosen for such Place, and the same Body or Persons shall thenceforth be the Local Authority for the Place as if no such Highway Board or Committee had been appointed therein.

How Expenses of Local Authority to be defrayed.

IV. All Charges and Expenses incurred by the Local Authority in executing the said Nuisances Removal Act, and not recovered as therein provided, shall be defrayed as follows; to wit,

Out

Diseases Prevention.

X. Sections Two and Three of "The Diseases Prevention Act, 1855," and every other Enactment constituting a Local Authority for the Execution of the same Act, or providing for the Expenses of the Execution thereof, except those contained in the Eighteenth and Nineteenth of *Victoria*, Chapter One hundred and twenty, the Metropolis Local Management Act, shall be repealed.

Sections 2. and 3. of 18 & 19 Vict. c. 116. repealed.

XI. The Board of Guardians for every Union, or Parish not within an Union, in *England* shall be the Local Authority for executing the said Diseases Prevention Act in every Place within their respective Unions and Parishes, and in every Parish and Place in *England* not within a Union, and for which there is no Board of Guardians, the Overseers of the Poor shall be the Local Authority to execute the same Act; and the Expenses incurred in the Execution of such Act by the Board of Guardians for a Union shall be defrayed out of the Common Fund thereof, and the Expenses of the Board of Guardians or Overseers of the Poor of any single Parish or Place shall be defrayed out of the Rates for the Relief of the Poor of such Parish or Place; provided that every such Board of Guardians shall, for the Execution of the said Act for the Prevention of Diseases, have the like Powers of appointing Committees, with the like Authority, and where any such Committee is appointed the Expenses thereof and of the Board shall be paid in the same Manner, as herein-before provided where such a Board is the Local Authority for the Execution

Guardians and Overseers of the Poor to be the Local Authorities for executing Diseases Prevention Act.

7 M tion

thorities
may provide
Carriages
for Convey-
ance of in-
fected Per-
sons.

Local Authority for executing the said "Diseases Prevention Act" to provide and maintain a Carriage or Carriages suitable for the Conveyance of Persons suffering under any contagious or infectious Disease, and to convey such sick and diseased Persons as may be residing within such Locality to any Hospital or other Place of Destination, and the Expense thereof shall be deemed to be an Expense incurred in executing the said Act.

Justices, on
the Appli-
cation of
Household-
ers, may
order the
Removal of
Nuisances.

XIII. Upon Complaint before a Justice of the Peace by any Inhabitant of any Parish or Place of the Existence of any Nuisance on any private Premises in the same Parish or Place, such Justice shall issue a Summons requiring the Person by whose Act, Default, Permission, or Sufferance the Nuisance arises, or if such Person cannot be found or ascertained, the Owner or Occupier of the Premises on which the Nuisance arises, to appear before Two Justices in Petty Sessions assembled at their usual Place of Meeting, who shall proceed to inquire into the said Complaint, and act in relation thereto as in Cases where Complaint is made by a Local Authority under Section Twelve of the said Nuisances Removal Act, and as if the Person making the Complaint were such Local Authority: Provided always, that it shall be lawful for the said Justices, if they see fit, to adjourn the Hearing or further Hearing of such Summons for an Examination of the Premises where the Nuisance is alleged to exist, and to require the Admission or authorize the Entry into such Premises of any Constable or other Person or Persons, and thereupon the Person or Persons authorized by the Order of the Justices

Nuisances Removal and Diseases Prevention.

Justices may enter and act as the Local Authority might under a like Order made by any Justice under Section Eleven of the said Act: Provided also, that the Costs in the Case of every such Application shall be in the Discretion of the Justices, and Payment thereof may be ordered and enforced as in other Cases of summary Adjudication by Justices: Any Order made by Justices under this Enactment shall be attended with the like Penalties and Consequences for Disobedience thereof and subject to the like Appeal as any Order made under Section Twelve of the said Nuisances Removal Act, and the Justices making such Order may thereby authorize any Constable or other Person or Persons to do all Acts for removing or abating the Nuisance condemned or prohibited, and for executing such Order, in like Manner as a Local Authority obtaining the like Order might do under the said Act, and to charge the Costs to the Person on whom the Order is made, as is provided in the Case where a like Order is obtained and executed by such Local Authority.

XIV. The Guardians of any Union, or Parish not within an Union, may at any Time employ One of their Medical Officers to make Inquiry and report upon the sanitary State of their Union or Parish, or any Part thereof, and pay a reasonable Compensation for the same out of their Common Fund.

Guardians may procure sanitary Reports and pay for the same.

XV. The several Words used in this Act shall be construed in the same Manner as is declared with reference to the same Words in the above-cited Act, termed "The Nuisances Removal Act for *England*, 1855," and all the Provisions therein, and in "The Diseases Prevention Act, 1855," contained, shall respectively be applicable to this Act, except so far as they shall be hereby repealed,^a or be inconsistent with anything herein provided.

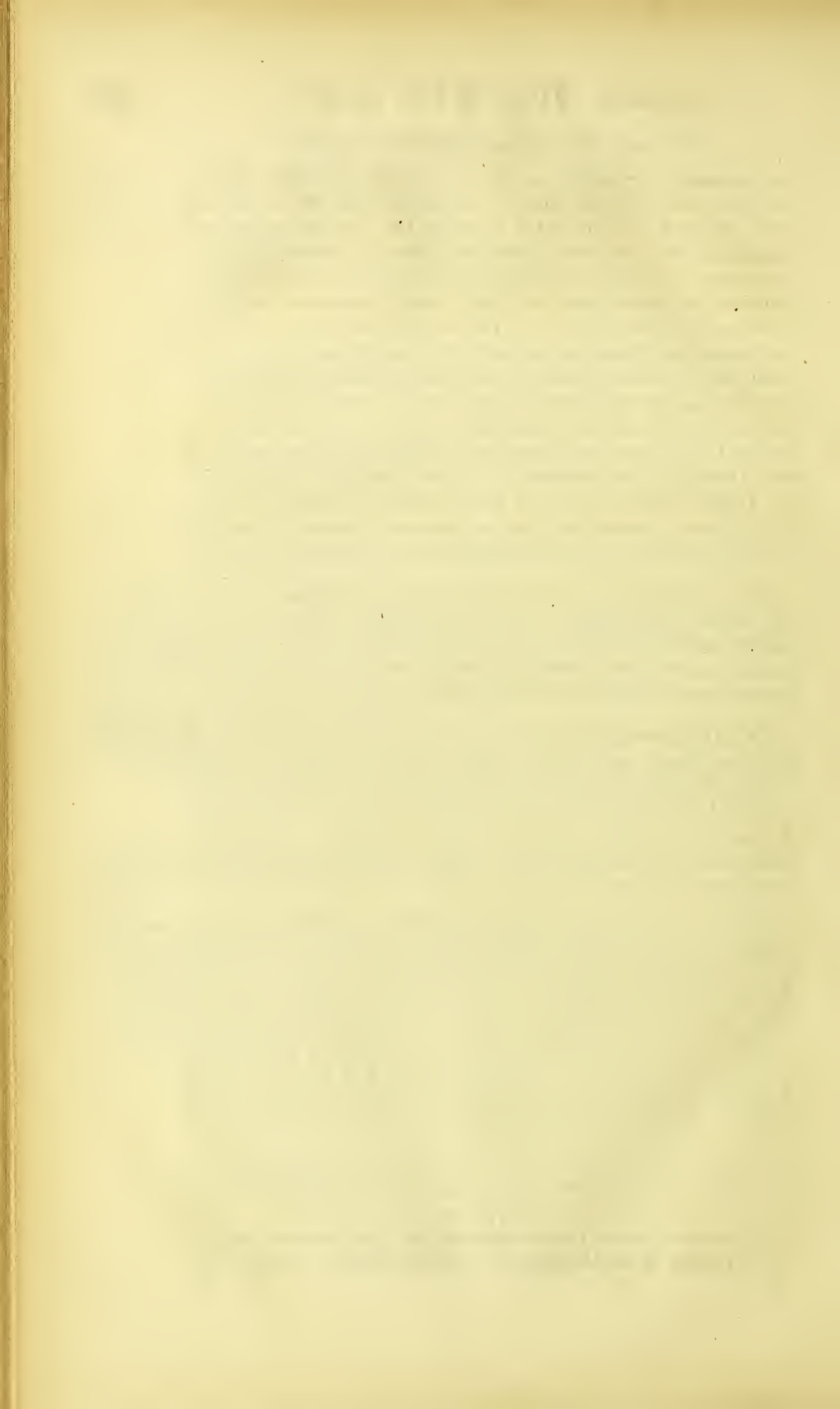
Interpretation of Terms.

XVI. No Justice of the Peace shall, unless objected to at the Hearing of any Complaint or Charge, be deemed incapable of acting in Cases other than Appeals arising under the said Nuisances Removal Act by reason of his being a Member of any Body hereby declared to be the Local Authority to execute the said Act, or by reason of his being a Contributor, or liable to contribute, to any Rate or Fund out of which it is hereby provided that all Charges and Expenses incurred in executing the said Act, and not recovered as therein provided, shall be defrayed.

Justices not incapable of acting by being Members of Bodies to execute Nuisances Removal Act.

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ANNO VICESIMO QUARTO & VICESIMO QUINTO

VICTORIÆ REGINÆ.

C A P. LXI.

An Act to amend the Local Government Act.

[1st August 1861.]

WHEREAS it is expedient to amend " The Local Government Act, 1858 : " Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

1. Ratepayers or Owners making a Requisition for the summoning of Meetings for the Purpose of deciding as to the Adoption of " The Local Government Act, 1858," shall, if required, give Security in a Bond, with Two sufficient Sureties, for Repayment to the Summoning Officer, in the event of the Act not being adopted, of the Costs incurred in relation to such Meetings or Polls taken in pursuance of any Demand made at such Meetings, the Amount of the Security to be given by such Sureties, and their Sufficiency, and the Amount of such Costs, to be settled by Agreement between the Summoning Officer and such Ratepayers or Owners, or in the event of Disagreement between them by any Justice of the Peace acting in and for the Place in which it is proposed that the said Act shall be adopted.

Provision as to Costs of Proceedings with a view to adopting the Local Government Act, when that Act is not adopted.

Local Government Act Amendment.

Every Local Authority invested with Powers of Town Government may adopt any Part of Local Government Act :

Provision for Election of such Local Authorities when elected for Life at the Time of adopting Local Government Act.

2. The Power of adopting any Part of "The Local Government Act, 1858," given by the Fifteenth Section of that Act to any Corporation or Body of Commissioners exercising Powers for sanitary Regulation under the Provisions of any Local Act, shall extend to every Local Authority invested with Powers of Town Government and Rating by any Local Act, by whatever Name such Local Authority is called, and the Words "Local Board" or "Board of Commissioners" as used in the said Local Government Act shall apply to such Local Authority: Provided always, that whenever the Members of such Local Authority are elected for Life they shall adopt, in lieu of the Provisions for Elections contained in the Local Act, the Provisions for and in relation to Elections prescribed by "The Public Health Act, 1848," and "The Local Government Act, 1858," and within One Month of such Adoption One Third of the Members of such Local Authority shall retire, the Order of Retirement to be fixed by the Local Authority, and the Election of Members in lieu of such retiring Members shall be governed in all respects by the said "Public Health Act, 1848," and "Local Government Act, 1858," and be conducted by the Chairman of the Local Authority: Provided also, that such Adoption shall not affect the Qualification fixed for Members of such Local Authority by the Local Act under which it is constituted, or the Qualification and Tenure of Office of *ex-officio* Members of such Local Authority.

Accounts of Improvement Commissioners acquiring borrowing Powers under Local Government Act to be subject to the Provisions of that Act relating to Audit.

3. When any Board of Improvement Commissioners acquires Powers of rating or borrowing Money under the Fifteenth Section of the "Local Government Act, 1858," the Provisions in relation as to Audit of that Act, or of any Act amending that Act, shall be in force in the Case of such Commissioners, as if such Provisions were contained in the Local Act under which they are constituted; and when the Provisions as to Audit of such Local Act are repugnant to or inconsistent with those of the Local Government Act, or any Act amending that Act, then the Audit shall be conducted under the Provisions of the last-mentioned Act.

Local Board may exercise Powers of Sect. 45. of 11 & 12 Vict. c. 63. also without their District, if necessary, for Purposes of Outfall or Distribution of Sewage, on making Compensation.

4. Local Boards may exercise the Powers given by the Forty-fifth Section of "The Public Health Act, 1848," also without their District, for the Purpose of Outfall or Distribution of Sewage, upon making due Compensation, to be settled in the Manner provided in the One hundred and forty-fourth Section of "The Public Health Act, 1848:." Provided always, that nothing herein contained shall give or be construed to give Power to any Local Board to construct or use any Outfall Drain or Sewer for the Purpose of conveying Sewage or filthy Water into any natural Watercourse or Stream until such Sewage or filthy or refuse Water be freed from all excrementitious

Local Government Act Amendment.

mentitious or other foul or noxious Matter, such as would affect or deteriorate the Purity and Quality of the Water in such Stream or Watercourse.

5. Provided also, That no Sewer or other Work shall be constructed or extended, under the Enactment lastly herein-before contained, unless Three Months at the least before the Commencement of such Work Notice of the intended Work, describing the Nature thereof, and stating the intended Termini thereof, and the Names of the Parishes, Townships, and Places, and the Turnpike Roads and Streets or Places laid out or intended for Streets, and other Lands, if any, through, across, or under which the Work is to be made, and naming a Place where a Plan of the intended Work is open for Inspection at all reasonable Hours, shall be given by Advertisement in One or more of the Newspapers usually circulated in the Place where the Work is to be made, and a written or printed Copy of such Notice shall be served in manner directed by "The Public Health Act (1848)" on the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the said Lands, and on the Overseers of such Parishes, Townships, or Places, and the Trustees, Surveyors of Highways, or others, having the Care of such Roads or Streets.

Previous
Notices of
the intended
Works be-
fore Com-
mencement.

6. In case any of such Owners, Lessees, or Occupiers, or such Overseers, Trustees, Surveyors, or others as aforesaid, or any other Owner, Lessee, or Occupier who would be affected by the proposed Work, object to such Work, and serve Notice in Writing of such Objection on the Local Board at any Time within the said Three Months, the proposed Work shall not be made or commenced without the Sanction of One of Her Majesty's Principal Secretaries of State, after such Inquiry and Report as herein-after mentioned (unless such Objection be withdrawn).

If Objection
be made by
any Party
interested,
the Work not
to be pro-
ceeded with
without
Sanction of
Secretary of
State.

7. It shall be lawful for the Secretary of State, upon Application of any Local Board, to appoint an Inspector to make Inquiry on the Spot into the Propriety of any such Work as aforesaid, and into the Objections thereto, and to hold One or more Meeting or Meetings for the Purpose of hearing all Persons desirous of being heard before him on the Subject of such Inquiry, and to report to such Secretary of State upon the Matters with respect to which such Inquiry was directed.

An Inspector
to be ap-
pointed to
make Inquiry
on the Spot,
and report
to the Secre-
tary of State.

8. Where already or hereafter any Premises not being within the Limits of the District of the Local Board have a Drain communicating, directly or indirectly, with a Sewer within the District, and

Yearly Sum
to be paid
for Premises
without

maintained

Local Government Act Amendment.

District
drained into
Sewer within
District.

maintained by the Local Board, and any Sewage from the Premises flows into the Sewer, there shall (except in Cases where the Owner is entitled to use such Sewer without making any Payment) be paid to the Local Board in respect thereof such a yearly Sum as is agreed on between them and the Owner of the Premises, or, failing Agreement between them, as on the Application of the Local Board is determined by Two Justices; and the yearly Sum so agreed on or determined shall be Private Improvement Expenses, and shall be charged on the Premises, and be paid and recoverable accordingly, as if the Premises were within the District: Provided, that the yearly Sum so charged shall cease to be payable if and when the Connexion between the Drain from the Premises and the Sewer is discontinued, so that a proportionate Part thereof up to the Time of the Discontinuance shall alone be payable; but if after the Discontinuance the Connexion be re-established the yearly Sum shall again become payable, and so from Time to Time.

Provision for
Repair of
Highways in
Parts of
Parishes or
Townships
not included
in Districts
under Local
Government
Act as herein
stated.

9. The Sub-division numbered (4.) in the Thirty-seventh Section of the said Local Government Act, 1858, shall be and the same is hereby repealed; and in lieu thereof be it enacted as follows:

(1.) Where Part of a Township or Place not comprised within any District in which the said "Local Government Act (1858)" is in force, and which Part is herein-after referred to as "the excluded Part," was, before the said Act came into force in such District, liable to contribute to the Highway Rates for such Township or Place, such excluded Part shall for all Purposes connected with the Repairs of Highways and the Payment of Highway Rates, be considered to be and be treated as if forming Part of such District:

(2.) It shall be lawful for a Meeting of Ratepayers of the excluded Part (to be convened and conducted in the Manner prescribed by the Thirteenth Section of the said Local Government Act (1858), with respect to Districts, not being Corporate Boroughs or Towns, under the Jurisdiction of Improvement Commissioners,) to decide that such excluded Part shall be formed into a separate Highway District, and thereupon the excluded Part shall for all Purposes connected with Highways, Surveyors of Highways, and Highway Rates, be considered and treated as a Township maintaining its own Highways:

(3.) The Requisition for holding such Meeting as last mentioned shall, in any excluded Part where the said Local Government Act (1858) has been in force before the passing of this Act, be presented within Six Calendar Months after the passing

Local Government Act Amendment.

passing of this Act, and in all other Cases within Six Calendar Months after the Adoption of the said Local Government Act (1858); but nothing in this Section before contained shall apply to Districts constituted under the Public Health Act (1848), including a Part only of any Parish, Township, or Place which before the Constitution of such District maintained its own Highways.

10. All the Powers, Authorities, and Discretion which in and by the Act of the Fifth and Sixth Years of the Reign of King *William* the Fourth, Chapter Fifty, are vested in and given to the Inhabitants in Vestry assembled of any Parish, Township, or Place, shall, within the Districts where the Local Government Act is in force, be vested in and exerciseable by the Local Boards, or Commissioners exercising the Powers of such Local Boards, under the Provisions of this Act and of "The Public Health Act (1848)," and of "The Local Government Act (1858);" and all Acts or Consents already done or given or purporting to be so done or given by such Local Boards, under and by virtue of the said Act of the Fifth and Sixth Years of *William* the Fourth, Chapter Fifty, acting or assuming to act in lieu of the Inhabitants in Vestry assembled of any Parish, Township, or Place within the District of the Local Board, shall operate and be as valid and effectual as if the same had been done and given or executed by such Inhabitants in Vestry.

Enabling
Local Boards
to act instead
of Inhabi-
tants in Ves-
try of Town-
ships in their
Districts in
all Matters
arising under
the Provi-
sions of
5 & 6 W. 4.
c. 50.

11. In Districts where the "Local Government Act, 1858," is in force, Notices for Alterations under the Sixty-ninth, Seventieth, and Seventy-first Sections, Directions under the Seventy-third Section, and Orders under the Seventy-fourth Section of the "Towns Improvement Clauses Act, 1847," may, at the Option of the Local Board, be served upon Owners instead of Occupiers, or upon Owners as well as Occupiers, and the Cost of Works done under any of these Sections may, when Notices have been so served upon Owners, be recovered from Owners instead of Occupiers, and when such Cost is recovered from Occupiers they shall be entitled to make the same Deduction from the Rents payable for the Premises where the Work is done in respect of such Cost as they are entitled to make in respect of Private Improvement Rates by the "Public Health Act, 1848."

Service of
Notices and
Repayment
of Costs
under Sects.
69, 70, 71,
73, and 74 of
10 & 11 Vict.
c. 34.

12. Where in any District Special District Rates are levied over the same Area as General District Rates, the Local Board may make and levy such Special District Rates as Part and under the Name of General District Rates: Provided always, that the levying

Special Dis-
trict Rates
leviable over
same Area as
General Dis-
trict Rates
may be

Local Government Act Amendment.

levied as
Part and
under the
Name of
such Rates.

Debts due on
Special Dis-
trict Rates
may, with
the Sanction
of the Secre-
tary of State,
and of Mort-
gagees, and
of Owners
and Rate-
payers, be
repaid, and
Money raised
for such Re-
payment on
Credit of
General Dis-
trict Rate.

of such Rates by the Means aforesaid shall in no way prejudicially affect any Mortgages now or hereafter to be made upon such Special District Rates.

13. Where any Local Board of Health have incurred Expenses in or about any Works of a permanent Nature, and have made and levied a Special District Rate upon or in respect of the Premises situate in Part of their District, and have borrowed and taken up at Interest on the Credit of the said Special District Rate any Sums of Money necessary for defraying such Expenses, it shall be lawful for such Local Board, with the Sanction of One of Her Majesty's Principal Secretaries of State, and with the Consent of all Persons having advanced Money on the Security of the said Special District Rate, and with the Consent of the Owners and Ratepayers of the District, to be expressed by Resolution in the Manner herein provided with respect to Resolutions for the Adoption of the said Local Government Act, to pay off and discharge the Sums so borrowed and taken up at Interest on the Credit of the said Special District Rate, or such Part thereof as shall then remain due, and to re-borrow and take up at Interest on the Credit of the General District Rates of the said Local Board any Sums of Money which shall have been so paid off and discharged, and for the Purpose of securing the Repayment of any Sums so borrowed, together with Interest thereon, the Local Board may mortgage the said General District Rates to the Persons by or on behalf of whom such Sums are advanced, subject to the Regulations prescribed by the Fifty-seventh Section of the Local Government Act, 1858.

The Sanc-
tion of the
Secretary of
State substi-
tuted for the
Sanction of
the General
Board of
Health,
which has
ceased to
exist.

14. In all Cases in which prior to the passing of "The Local Government Act" all or any of the Powers or Provisions of "The Public Health Act, 1848," relative to the borrowing of Money or the mortgaging of Rates, are repeated in any Local Act of Parliament, or in which it is declared in and by such Local Act that the same shall be read and construed as if all or any of such Powers and Provisions had been repeated therein, so as to confer thereunder upon any such Local Board of Health or Board of Improvement Commissioners Powers corresponding with all or any of the borrowing or mortgaging Powers contained in "The Public Health Act, 1848," and where the Sanction, Consent, Direction, or Approval of the General Board of Health is rendered requisite in or by any such Local Act to the due Exercise of any of the Powers vested thereby in any Local Board of Health or Board of Improvement Commissioners, such Powers or any of them shall and may be henceforth exercised with and under the Sanction, Consent, Direction, and Approval of One of Her Majesty's Principal Secretaries of State, in lieu of the Sanction, Consent, Direc-
tion,

Local Government Act Amendment.

tion, and Approval of the General Board of Health aforesaid, and not otherwise.

15. Seven clear Days at least before the Day fixed for the Audit of Accounts of any Local Board, the Local Board shall cause their Rate Books and other Accounts to be made up and balanced, and the Books and Accounts so made up and balanced shall forthwith be deposited at the Office of the said Local Board for the Inspection of Owners and Ratepayers, and the Notice of Audit shall include a Notice of such Deposit of Accounts; and any Officer of a Local Board duly appointed in that Behalf neglecting to make up such Books and Accounts, or altering such Books and Accounts, or allowing them to be altered when so made up, or refusing to allow Inspection thereof, shall be liable on Conviction thereof to forfeit Forty Shillings; and it shall be lawful for any Ratepayer or Owner of Property in the District to be present at the Audit of the Accounts of the Local Board, and to make any Objection to such Accounts before the Auditor; and such Ratepayers and Owners shall have the same Right of Appeal against Allowances by an Auditor as they have by Law against Disallowances.

Making up
Accounts for
Audit.

16. Before giving the Notice mentioned in the Sixty-ninth Section of "The Public Health Act, 1848," the Local Board shall cause Plans and Sections of the Works intended to be executed under that Section and the Thirty-eighth Section of "The Local Government Act, 1858," to be made, under the Direction of their Surveyor, on a Scale of not less than One Inch for Eighty-eight Feet for a horizontal Plan, and on a Scale of not less than One Inch for Ten Feet for a vertical Section, and, in the Case of a Sewer, showing the Depth of such Sewer below the Surface of the Ground; and such Plans and Sections shall be deposited in the Office of the Local Board, and shall be open at all reasonable Hours for the Inspection of all Persons interested therein during the Period for which such Notice is required to be given, and a Reference to such Plans and Sections in such Notice shall be held sufficient without requiring any Copy of such Plans and Sections to be annexed to such Notice.

Before
giving No-
tice for
paving, &c.
of Streets
not being
Highways,
Plans and
Sections to
be deposited
with Local
Board.

17. The Form of Notice in the Schedule (A.) to this Act annexed, or to the like Effect, may be used for any of the Purposes of the Sixty-ninth Section of "The Public Health Act, 1848," and of the Thirty-eighth Section of "The Local Government Act, 1858," and of this Act, for which such Form is applicable, and such Form shall accordingly, to all Intents, be deemed sufficient for such Purposes.

Form of
Notice.

18. In

Local Government Act Amendment.

Interpretation of "Special Act," in construing 8 & 9 Vict. c. 18, as to Provisional Orders.

18. In the Construction of "The Lands Clauses Consolidation Act, 1845," for the Purposes of any Provisional Order under "The Local Government Act, 1858," conferring Powers for the taking of Land otherwise than by Agreement, the Term "Special Act" shall mean the Act confirming such Order, and "the Date of the passing of the Special Act" shall mean the Date of the passing of the Act confirming such Order.

Extension of Powers given by Sect. 78. of 21 & 22 Vict. c. 104. to Cases in which Local Boards incur Expenses for permanent Works, &c.

19. The Powers granted by the Seventy-eighth Section of "The Local Government Act, 1858," may be exercised in any Case where any Local Board or Board of Improvement Commissioners exercising the borrowing Powers of "The Public Health Act, 1848," or "The Local Government Act, 1858," or of any Local Act, has contributed to, purchased, or executed any permanent Works, or proposes to contribute to, purchase, or execute such Works, at a Cost exceeding or estimated to exceed One Year's assessable Value of the Premises assessable within the District in respect of which the Money for such Works may be borrowed.

Local Boards may make Agreements for Terms of Water Supply in certain Cases.

20. In Districts where no Water Companies are established by Act of Parliament all Local Boards may make Agreements for the Supply of Water to Persons on such Terms as may be agreed upon between the Local Board and the Persons receiving such Supply, and shall have the same Powers for recovering Water Rents accruing under such Agreements as they have for the Recovery of Water Rates by the Law in force for the Time being.

Local Boards of Health may repair Fences surrounding Burial Grounds.

21. All Local Boards of Health constituted Burial Boards may from Time to Time repair and uphold the Fences surrounding any Burial Ground which shall have been discontinued as such within their Jurisdiction, or take down such Fences and substitute others in lieu thereof, and shall from Time to Time take the necessary Steps for preventing the Desecration of such Burial Grounds, and placing them in a proper sanitary Condition; and where such Burial Boards are a Local Board of Health, they may from Time to Time pass Byelaws for the Preservation and Regulation of all Burial Grounds within their Limits, and the Expense of carrying this Section into execution may be defrayed out of any Rates authorized to be levied by any Local Board constituted a Burial Board.

Powers of Local Boards with respect to Land purchased under 21 & 22 Vict. c. 104.

22. Local Boards shall have the same Powers with regard to any Lands purchased by them under or for the Purposes of "The Local Government Act (1858)," or any Act incorporated therewith, which they now have with regard to Lands purchased for the Purpose of making or enlarging Streets under the Powers of the said Act.

23. The

Local Government Act Amendment.

23. The Expenses which have been incurred by any Local Board of Health as and for Private Improvement Expenses under "The Public Health Act, 1848," as also the Expenses stated in the Sixty-second Section of "The Local Government Act, 1858," to be a Charge on the Premises, with Interest after the Rate of Five *per Centum per Annum*, may, by Order of the Local Board of Health, be declared payable by annual Instalments, with Interest after the Rate aforesaid, during a Period not exceeding Thirty Years, until the whole Amount be paid; and any such Instalments and Interest, or any Part thereof, may be recovered from the Owner or Occupier of such Premises in the same Manner as General District Rates, and may be deducted from the Rent of such Premises in the same Proportions as are allowed in the Case of Private Improvement Rates under the Ninety-first Section of "The Public Health Act, 1848."

Provision for Recovery of Charges for Private Improvements.

24. Proceedings for the Recovery of Demands below Twenty Pounds, which Local Boards are now empowered by Law to recover in a summary Manner, may, at the Option of the Local Board, be taken in the County Court as if such Demands were Debts within the Cognizance of such Courts.

Demands below 20l. may be recovered in County Courts.

25. The Local Board may make Byelaws for licensing and regulating Horses, Ponies, Mules, or Asses standing for Hire in the District, and for prescribing and regulating the Stands, and fixing the Rates of Hire, and ordering the Conduct of the Drivers or Attendants thereof, and also for licensing, regulating, and fixing the Rates of Hire of Pleasure Boats or Vessels, and the Persons in charge of the same.

Local Board may make Byelaws for licensing &c. Horses, Boats, &c. for Hire.

26. Where a Board of Improvement Commissioners, or other Local Authority, exercising any of the Powers of "The Local Government Act, 1858," maintains and repairs the Highways within the Area of its Jurisdiction, the Sixty-ninth Section of the Act of the Fifth and Sixth *William* the Fourth, Chapter Fifty, shall be held to apply to all Encroachments on such Highways.

Sect. 69. of 5 & 6 W. 4. c. 50. to apply to Encroachments on Highways managed by Local Authority.

27. The Provision for the Repayment of Costs, Charges, and Expenses incurred by the Secretary of State in relation to any Provisional Order under the Seventy-fifth Section of "The Local Government Act, 1858," shall extend to all Provisional Orders under the said Act.

Repayment of Costs by Provisional Orders.

28. It shall not be lawful at any Time or Times hereafter, within the District of any Local Board, to bring forward any House or Building

No House to be brought forward

Local Government Act Amendment.

without Con-
sent of Local
Board.

Building forming Part of any Street, or any Part thereof, beyond the Front Wall of the House or Building on either Side thereof, nor to build any Addition thereto beyond the Front of such House or Building on either Side of the same as aforesaid, without the previous Consent of such Local Board.

Application
of General
Acts to
Local Boards
of Health.

29. And whereas Doubts exist whether Local Boards of Health, constituted under or by virtue of Local Acts, are affected by the Provisions of "The Local Government Act, 1858," or by the Provisions of "The Nuisances Removal Act for *England*, 1855," and "The Diseases Prevention Act, 1855," and it is desirable to remove such Doubts: Be it therefore enacted, That all the Provisions of "The Local Government Act, 1858," as amended by this Act, and of "The Nuisances Removal Act for *England*, 1855," and "The Diseases Prevention Act, 1855," as amended by the "Act to amend the Acts for the Removal of Nuisances and Prevention of Diseases," which Acts are herein-after designated the General Acts, shall extend and apply to all Local Boards of Health constituted under or by virtue of Local Acts, with and subject to the Two following Qualifications; (that is to say,)

- (1.) Provisions of the General Acts opposed to or restrictive of the Provisions (whether adopted or original) of any such Local Act shall be of no Force in the District for which the Local Act was passed:
- (2.) Wherever the General Acts and a Local Act contain Provisions for effecting the same or a similar Object, but in different Modes, the Local Board of Health may proceed under the General Acts or the Local Act:

And every future Act for amending or repealing any of the General Acts aforesaid shall, subject to the aforesaid Qualifications, also extend and apply to every such Local Board of Health.

Incorporation and
Construction
of Acts.

30. This Act shall be deemed to be incorporated with the Local Government Act, 1858, and shall be read as if this Act and the said Local Government Act were One Act.

Short Title.

31. In citing this Act it shall be sufficient to use the Words and Figures "Local Government Act (1858) Amendment Act, 1861."

Local Government Act Amendment.

S C H E D U L E.

Local Board of Health for . The of
in the County of
To the Owner of certain
Premises fronting, adjoining, or abutting upon a certain Street called
, within the said [Borough or District,
as the Case may be].

Whereas the said Street is not sewered, levelled, paved, flagged, and channelled to the Satisfaction of the above-named Local Board of Health ; and whereas your said Premises front, adjoin, or abut on certain Parts of the said Street which require to be sewered, levelled, paved, flagged, and channelled : Now, therefore, the said Local Board of Health hereby give you Notice (in pursuance of the Statute in that Case made and provided) to sewer, level, pave, flag, and channel the same within the Space of [*state the Time*] from the Date hereof, in manner following ; (that is to say,) the Sewers to be laid or made [*here describe the Mode to be adopted and the Material to be used*], of the Sizes and Forms, and at the Rate or Rates of Inclination shown on the Plans and Sections of the Works as prepared by the Surveyor of the Local Board.

Each Gully for Surface Draining, and its Connection with the Sewer, to be placed as shown on the said Plans, and to be constructed of the Forms, Materials, and Dimensions as shown on the said Plans.

A Foundation for the Carriageway and Footway in the said Street to be formed in the following Manner [*here describe the Mode to be adopted and the Material to be used*], and the said Carriageway and Footway to be paved [*here describe the Mode to be adopted and the Material to be used*].

The Channel Stones to be [*here describe the Mode to be adopted and the Material to be used*]. The Curb or Side Stones to be [*here describe the Mode to be adopted and the Material to be used*].

The whole of the above-mentioned Works to be executed by you in accordance with the Plans and Sections herein-before referred to, and now lying for Inspection by you at the Office of the Local Board, situate in Street, in aforesaid, and the Dimensions, Widths, and Levels shown thereon, and to be done in a good, workmanlike, and substantial Manner, to the Satisfaction of the said Local Board of Health or their Surveyor.

Dated this Day of One thousand eight hundred and

Clerk to the said Local Board of Health.

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ORIGINAL ARTICLES

1. The Effect of the Diet on the Blood Sugar in the Normal Individual and in the Diabetic. (Continued from page 727.)
J. H. HOLLAND, M.D., and J. H. HOLLAND, JR., M.D.,
University of Chicago, Chicago, Ill.
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University of Chicago, Chicago, Ill.



ANNO VICESIMO SEXTO

VICTORIÆ REGINÆ.

C A P. XVII.

An Act for amending the Local Government Act
(1858). [11th May 1863.]

WHEREAS by the Local Government Act, 1858, after reciting “that it is expedient to amend the Public Health Act, 1848, and to make further Provisions for the Local Government of Towns and populous Districts in *England*,” numerous Provisions are made for the Establishment of Local Government in Towns and populous Districts that may adopt the Act, for the Regulation of the Sewerage, Drainage, and Buildings therein, for the Maintenance of the Streets and Roads, and for Police, and other Town Purposes: And whereas it is expedient to place some Restriction upon the Adoption of the Act by Places containing a small Population only, and otherwise to amend the said Act: Be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

21 & 22 Vict.
c. 98.

1. This Act may be cited as “The Local Government Act Short Title. Amendment Act, 1863.”

3 H

2. The

Local Government Act (1858) Amendment.

Restriction
as to the
Adoption of
the Act by
certain
Places.

2. The Adoption of the Local Government Act, 1858, by any Place where that Act was not in force on the First Day of *March* One thousand eight hundred and sixty-three, and where the Population according to the then last Census is less than Three thousand, shall not be of any Validity unless it is approved by One of Her Majesty's Principal Secretaries of State, on proof being given to his Satisfaction that by reason of special Circumstances it is expedient that such Place should be allowed to adopt the Act.

Before signifying his Approval or Disapproval the said Secretary may cause an Inquiry to be made in the Place as to the Circumstances alleged in support of the Expediency of the Adoption of the Act, of the Time and Place of which Inquiry Fourteen Days public Notice shall be given, and on the Determination of such Inquiry shall give or withhold, as he thinks just, his Approval of the Adoption of the Act.

The Approval or Disapproval of the said Secretary of State shall be published by the said Secretary in the *Gazette*, and such Publication shall be Evidence of the Fact of that Approval or Disapproval having been given.

Amendment
of Sections
17 & 18 of
21 & 22 Vict.
c. 98.

3. Petitions appealing against the Resolution of Adoption, and praying for Exclusion from the Operation of the Local Government Act, under the Seventeenth Section of that Act, and Appeals from Owners and Ratepayers who dispute the Validity of the Vote for Adoption under the Eighteenth Section of the same Act, may be presented and had at any Time before the Expiration of Six Weeks from the Date of any Resolution adopting the Act.

As to Aban-
donment of
Local Go-
vernment
Act in cer-
tain Places.

4. When a Resolution adopting the Local Government Act has been passed in a Place in which the Population, according to the then last Census, is less than Three thousand, that Resolution may at any Time be rescinded by a subsequent Resolution passed in the same Manner in which Resolutions for the Adoption of the Act are required to be passed, but the rescinding Resolution shall not be of any Effect unless it is approved by One of Her Majesty's Principal Secretaries of State, and Notice is published by him in the *London Gazette* of the passing of the Resolution and of his Approval thereof.

An Appeal may be had from any such rescinding Resolution in the same Manner and subject to the same Conditions, as nearly as may be, in and subject to which an Appeal may be had against a Resolution adopting the Act; and the Provisions of the Local Government Act relating to an Appeal against the Adoption of the Act shall, with the requisite Variations, apply to an Appeal under this Section.

The Notice of the rescinding Resolution shall not be published until the Expiration of the Time limited for an Appeal, or until the Determination of the Appeal, but upon the Publication thereof the
Adoption

Local Government Act (1858) Amendment.

Adoption of the Local Government Act shall be deemed to be avoided as from the Date of that Publication, and from the same Date the Local Government Act shall cease to be in force within the District, and the District shall revert to the position in which it was before the Adoption of the Local Government Act; so nevertheless that any Contracts that may have been entered into by or on behalf of the Local Board of any such District may be enforced in the same Manner in all respects as if the Local Government Act had continued in force in the District, and so far as may be necessary for the Enforcement of such Contracts the Local Board and all their Powers of levying Money shall be deemed to be continued.

5. In any District constituted under the Local Government Act, 1858, where by that Act the Local Board is required to be elected by the Ratepayers, and where the Population according to the then last Census is less than Three thousand, if no Election of a Local Board in pursuance of the said Act takes place within Three Months from the Date of the Constitution of the District, or if in any such District as last aforesaid the Local Board makes Default in appointing fit and proper Persons to the following Offices or any of them, that is to say, to the Office of Surveyor, Inspector of Nuisances, Clerk, and Treasurer, within Two Months after the Election of the Local Board, then upon the happening of either of the above Events the Adoption of the Local Government Act in the said District shall be void, and the Local Government Act, 1858, shall cease to be in force within the District, and the District shall revert to the same position as it was in before the Adoption of the Act; so nevertheless that any Contracts that may have been entered into by or on behalf of the Local Board of any such District may be enforced in the same Manner in all respects as if the Local Government Act had continued in force in the District, and so far as may be necessary for the Enforcement of such Contracts the Local Board and all their Powers of levying Money shall be deemed to be continued.

Provision for
Avoidance
of Constitu-
tion of Dis-
trict.

6. Where any District under the Public Health Act, 1848, and the Local Government Act, 1858, or either of such Acts, or any other Place, is surrounded by or adjoins a Highway District constituted under the Highway Acts, such first-mentioned District or other Place shall for the Purpose of any Meeting of the Highway Board be deemed to be within such Highway District.

Local Govern-
ment Act Dis-
tricts to be
within High-
way Districts
for Purpose of
Highway
Meetings.

7. The Power of adopting any Part or Parts of the Local Government Act, 1858, given by that Act and the Acts amending the same, shall not be exhausted by One Adoption, but may be exercised from Time to Time.

Amendment
of Sect. 15 of
21 & 22 Vict.
c. 98.

8. The

Local Government Act (1858) Amendment.

Construction
of Acts.

8. The Public Health Act, 1848, and the Acts amending the same, and the Acts amending the Local Government Act, 1858, including this Act, are hereby declared to be One Act, and to be included under the Expression the Local Government Act, 1858, or any Words referring to that Act.

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ANNO VICESIMO SEXTO & VICESIMO SEPTIMO

VICTORIÆ REGINÆ.

C A P. XL.

An Act for the Regulation of Bakehouses.

[13th *July* 1863.]

WHEREAS it expedient to limit the Hours of Labour of young Persons employed in Bakehouses, and to make Regulations with respect to Cleanliness and Ventilation in Bakehouses: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. This Act may be cited as "The Bakehouse Regulation Act, Short Title. 1863."

2. For the Purposes of this Act the Words herein-after mentioned shall be construed as follows; that is to say,

Interpreta-
tion of
Terms.

"Local Authority" shall, as respects any Place, mean the Persons or Bodies of Persons defined to be the Local Authority in that Place by the One hundred and thirty-fourth Section of the Act passed in the Session holden in the Eighteenth and Nineteenth Years of the Reign of Her present Majesty, Chapter One hundred and twenty, or by the Nuisances Removal Acts herein-after mentioned; that is to say, as to *England*, by the Act passed in the Session holden in the Eighteenth and Nineteenth Years of the Reign of Her present Majesty, Chapter One hundred and

Bakehouses Regulation.

twenty-one, as amended by the Act passed in the Session holden in the Twenty-third and Twenty-fourth Years of the Reign of Her present Majesty, Chapter Seventy-seven; as to *Scotland*, by the Act passed in the Session holden in the Nineteenth and Twentieth Years of the Reign of Her present Majesty, Chapter One hundred and three; and as to *Ireland*, by the Acts passed, the one in the Session holden in the Eleventh and Twelfth Years of the Reign of Her present Majesty, Chapter One hundred and twenty-three, and the other in the Session holden in the Twelfth and Thirteenth Years of the Reign of Her present Majesty, Chapter One hundred and eleven:

“Bakehouse” shall mean any Place in which are baked Bread, Biscuits, or Confectionery, from the baking or selling of which a Profit is derived:

“Employed,” as applied to any Person, shall include any Person working in a Bakehouse, whether he receives Wages or not:

“Occupier” shall include any Person in possession:

“The Court” shall include any Justice or Justices, Sheriff or Sheriff Substitute, Magistrate or Magistrates, to whom Jurisdiction is given by this Act.

Limitation
of Hours of
Labour of
Persons
under 18
Years of
Age.

3. No Person under the Age of Eighteen Years shall be employed in any Bakehouse between the Hours of Nine of the Clock at Night and Five of the Clock in the Morning.

If any Person is employed in contravention of this Section the Occupier of the Bakehouse in which he is employed shall incur the following Penalties in respect of each Person so employed; that is to say,

For the First Offence, a Sum not exceeding Two Pounds:

For a Second Offence, a Sum not exceeding Five Pounds:

For a Third and every subsequent Offence, a Sum not exceeding One Pound for each Day of the Continuance of the Employment in contravention of this Act, so that no greater Penalty be imposed than Ten Pounds.

Regulations
as to Clean-
liness of
Bakehouse.

4. The inside Walls and Ceiling or Top of every Bakehouse situate in any City, Town, or Place containing according to the last Census a Population of more than Five thousand Persons, and the Passages and Staircase leading thereto, shall either be painted with Oil or be limewashed, or partly painted and partly limewashed: Where painted with Oil there shall be Three Coats of Paint, and the Painting shall be renewed once at least in every Seven Years, and shall be washed with hot Water and Soap once at least in every Six Months: Where limewashed the Limewashing shall be renewed once at least in every Six Months.

Every Bakehouse, wherever situate, shall be kept in a cleanly State, and shall be provided with proper Means for effectual Ventilation,
and

Bakehouses Regulation.

and be free from Effluvia arising from any Drain, Privy, or other Nuisance.

If the Occupier of any Bakehouse fails to keep the same in conformity with this Section he shall be deemed to be guilty of an Offence against this Act, and to be subject in respect of such Offence to a Penalty not exceeding Five Pounds.

The Court having Jurisdiction under this Act may, in addition to or instead of inflicting any Penalty in respect of an Offence under this Section, make an Order directing that within a certain Time to be named in such Order certain Means are to be adopted by the Occupier for the Purpose of bringing his Bakehouse into conformity with this Section; the Court may upon Application enlarge any Time appointed for the Adoption of the Means directed by the Order, but any Non-compliance with the Order of the Court shall, after the Expiration of the Time as originally limited or enlarged by subsequent Order, be deemed to be a continuing Offence, and to be punishable by a Penalty not exceeding One Pound for every Day that such Non-compliance continues.

5. No Place on the same Level with a Bakehouse situate in any City, Town, or Place containing according to the last Census a Population of more than Five thousand Persons, and forming Part of the same Building, shall be used as a Sleeping Place, unless it is constructed as follows; that is to say,

As to
Sleeping
Places near
Bakehouses.

Unless it is effectually separated from the Bakehouse by a Partition extending from the Floor to the Ceiling:

Unless there be an external glazed Window of at least Nine Superficial Feet in Area, of which at the least Four and a Half Superficial Feet are made to open for Ventilation:

And any Person who lets, occupies, or continues to let, or knowingly suffers to be occupied, any Place contrary to this Act, shall be liable for the First Offence to a Penalty not exceeding Twenty Shillings, and for every subsequent Offence to a Penalty not exceeding Five Pounds.

6. It shall be the Duty of the Local Authority to enforce within their District the Provisions of this Act, and in order to facilitate the Enforcement thereof any Officer of Health, Inspector of Nuisances, or other Officer appointed by the Local Authority, herein-before referred to as the Inspector, may enter into any Bakehouse at all Times during the Hours of baking, and may inspect the same, and examine whether it is or not in conformity with the Provisions of this Act; and any Person refusing Admission to the Inspector, or obstructing him in his Examination, shall for each Offence incur a Penalty not exceeding Twenty Pounds; and it shall be lawful for any Inspector who is refused Admission to any Bakehouse, in pursuance of this Section, to apply to any Justice for a Warrant authorizing

Power to
Local
Authority
to enforce
Provisions
of this Act.

Bakehouses Regulation.

rizing him, accompanied by a Police Constable, to enter into any such Bakehouse for the Purpose of examining the same, and to enter the same accordingly.

As to
Expenses of
Local
Authority
acting under
this Act.

7. All Expenses incurred by any Local Authority in pursuance of the Provisions of this Act may be paid out of any Rate leviable by them, and applicable to the Payment of the Expenses incurred by the Local Authority under the said Nuisances Removal Acts, and the said Authority may levy such Rate accordingly.

Penalties.

Recovery of
Penalties.

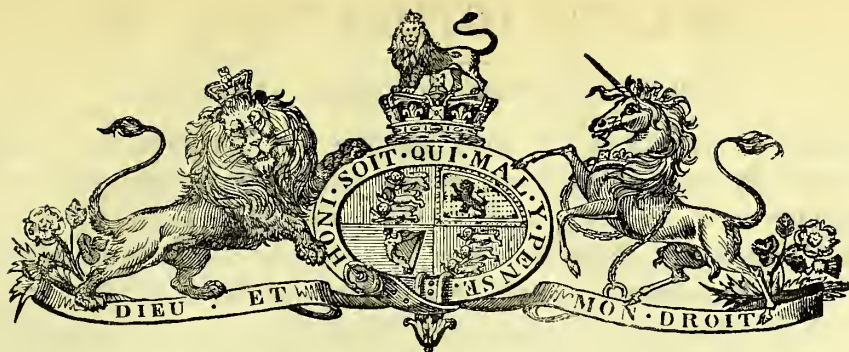
8. All Penalties under this Act may be recovered summarily before Two or more Justices; as to *England*, in manner directed by an Act passed in the Session holden in the Eleventh and Twelfth Years of the Reign of Her Majesty Queen *Victoria*, Chapter Forty-three, intituled *An Act to facilitate the Performance of the Duties of Justices of the Peace out of Sessions within England and Wales with respect to summary Convictions and Orders*, or any Act amending the same; as to *Ireland*, in manner directed by the Act passed in the Session holden in the Fourteenth and Fifteenth Years of the Reign of Her Majesty Queen *Victoria*, Chapter Ninety-three, intituled *An Act to consolidate and amend the Acts regulating the Proceedings of Petty Sessions and the Duties of Justices of the Peace out of Quarter Sessions in Ireland*, or any Act amending the same; and as to *Scotland*, upon summary Conviction, with Power for the Justices having Cognizance of the Case to sentence the Offender to Imprisonment for a Period not exceeding Three Months until the Penalty and the Expenses of Conviction are paid.

Jurisdiction
of certain
Magistrates.

9. Any Act, Power, or Jurisdiction hereby authorized to be done or exercised by Two Justices may be done or exercised by the following Magistrates within their respective Jurisdictions; that is to say, as to *England*, by any Metropolitan Police Magistrate or other Stipendiary Magistrate sitting alone at a Police Court or other appointed Place, or by the Lord Mayor of the City of *London* or any Alderman of the said City sitting alone or with others at the *Mansion House* or *Guildhall*; as to *Ireland*, by any One or more Divisional Magistrates of Police in the Police District of *Dublin*, and elsewhere by One or more Justice or Justices of the Peace in Petty Sessions; and as to *Scotland*, by the Sheriff or Sheriff Substitute, or by any Police Magistrate of a Burgh.

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ANNO VICESIMO SEXTO & VICESIMO SEPTIMO

VICTORIÆ REGINÆ.

C A P. CXVII.

An Act to amend the Nuisances Removal Act for
England, 1855, with respect to the Seizure of
diseased and unwholesome Meat.

[28th *July* 1863.]

WHEREAS the Provisions of “ The Nuisances Removal Act
for *England*, 1855,” with regard to the Inspection and
Seizure of diseased and unwholesome Meat, are defective ;
and it is therefore expedient that the same should be repealed, and
that other and more effectual Provisions in that Behalf should be
substituted therefor : Be it therefore enacted by the Queen’s most
Excellent Majesty, by and with the Advice and Consent of the
Lords Spiritual and Temporal, and Commons, in this present Par-
liament assembled, and by the Authority of the same, as follows :

1. From and after the passing of this Act the Twenty-sixth Sec-
tion of the said Act is repealed.

Sect. 26. of
recited Act
repealed.

2. The Medical Officer of Health or Inspector of Nuisances
may at all reasonable Times inspect and examine any Animal,
Carcase, Meat, Poultry, Game, Flesh, Fish, Fruit, Vegetables,
Corn, Bread, or Flour exposed for Sale, or deposited in any
Place for the Purpose of Sale or of Preparation for Sale, and
intended for the Food of Man, the Proof that the same was not

Power to
Medical
Officer of
Health or
Inspector of
Nuisances
to inspect
any Animal,
&c.

Nuisances Removal Act (1855) Amendment.

exposed or deposited for such Purpose or Purposes, or was not intended for the Food of Man, resting with the Party charged ; and in case any such Animal, Carcase, Meat, Poultry, Game, Flesh, Fish, Fruit, Vegetables, Corn, Bread, or Flour appear to him to be diseased, or unsound, or unwholesome, or unfit for the Food of Man, it shall be lawful for such Medical Officer of Health or Inspector of Nuisances to seize, take, and carry away the same, or direct the same to be seized, taken, and carried away by any Officer, Servant, or Assistant, in order to have the same dealt with by a Justice ; and if it shall appear to the Justice that any such Animal, or any of the said Articles, is diseased or unsound, or unwholesome, or unfit for the Food of Man, he shall order the same to be destroyed or so disposed of as to prevent such Animal or Articles from being exposed for Sale or used for such Food ; and the Person to whom such Animal, Carcase, Meat, Poultry, Game, Flesh, Fish, Fruit, Vegetables, Corn, Bread, or Flour belongs or did belong at the Time of Sale or of Exposure for Sale, or in whose Possession or on whose Premises the same is found, shall, upon Conviction, be liable to a Penalty not exceeding Twenty Pounds for every Animal, Carcase, or Fish, or Piece of Meat, Flesh, or Fish, or any Poultry or Game, or for the Parcel of Fruit, Vegetables, Corn, Bread, or Flour so found, or, at the Discretion of the Justice, without the Infliction of a Fine, to Imprisonment in the Common Gaol or House of Correction for a Term of not more than Three Calendar Months.

Penalty for
obstructing
Medical
Officer of
Health, &c.

3. In case any Person shall in any Manner prevent such Medical Officer of Health or Inspector of Nuisances from entering any Slaughter-house, Shop, Building, Market, or other Place where such Animal, Carcase, Meat, Poultry, or Fish is kept for the Purpose of Sale or of Preparation for Sale, or shall in any Manner obstruct or impede him, or his Servant or Assistant, when duly engaged in carrying the Provisions of this Act into execution, such Person shall be liable to a Penalty not exceeding Five Pounds.

This and re-
cited Act to
be as One
Act.

4. This Act and “The Nuisances Removal Act for *England*, 1855,” shall be read and construed together as One Act.

Short Title.

5. This Act may be cited for all Purposes as “The Nuisances Removal Act for *England* (Amendment) Act, 1863.”

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ANNO VICESIMO OCTAVO & VICESIMO NONO

VICTORIÆ REGINÆ.

C A P. LXXV.

An Act for facilitating the more useful Application
of Sewage in *Great Britain and Ireland*.

[29th *June* 1865.]

WHEREAS it is expedient to remove Difficulties under which Local Boards and other Bodies having the Care of Sewers labour in disposing of the Sewage of their Districts so as not to be a Nuisance, and to give Facility to such Authorities to make Arrangements for the Application of such Sewage to Land for Agricultural Purposes: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same:

1. This Act, for all Purposes, may be cited as "The Sewage Short Title. Utilization Act, 1865."

2. This Act shall not extend to any Part of the Metropolis as defined by the Act of the Session Eighteenth and Nineteenth Years of the present Reign, Chapter One hundred and twenty, for better Local Management of the Metropolis, and shall not, with the Exception of Clause Fifteen, extend to any Parish as defined in the Schedule to this Act in a Part of which Parish the Public Health Act, 1848, and the Local Government Act, 1858, or One of such Acts, is in force at the Time of the passing of this Act.

Application
of Act.

Sewage Utilization.

Definition of
Sewer Au-
thority.

3. The Expression "Sewer Authority" shall, in the several Places in the Schedule annexed hereto in that Behalf mentioned, mean the Persons or Bodies of Persons referred to in the First Column of the Schedule annexed hereto; and the Term "District," in relation to a Sewer Authority, shall, as respects each Authority, mean the Place in that Behalf referred to in the Second Column of the said Schedule.

"Local Board" shall mean a Local Board authorized in pursuance of the "Public Health Act, 1848," and "The Local Government Act, 1858," or One of such Acts.

Powers of
Sewer Au-
thorities.

4. Sewer Authorities shall have Power to construct such Sewers as they may think necessary for keeping their District properly cleansed and drained, and shall, as respects all Sewers constructed by them or under their Control, whether the same were made before or after the passing of this Act, have all the Powers that Local Boards have, in respect of Sewers vested in or constructed by them, under the Forty-fifth and Forty-sixth Sections of "The Public Health Act, 1848," the Thirtieth Section of "The Local Government Act, 1858," and the Fourth Section of "The Local Government Act, 1858, Amendment Act, 1861," subject to the Provisions of the Fifth and Sixth Sections of the last-mentioned Act, and to the Saving Clauses in "The Local Government Act, 1858," mentioned, from Sixty-eight to Seventy-four, both inclusive; and in *Scotland*, in addition to such of the aforesaid Powers as are applicable to *Scotland*, all the Powers contained in Section Seven (Public Sewers) of Part Four of "The General Police and Improvement (*Scotland*) Act, 1862."

Power of
Entry.

5. The Sewer Authority shall have the Powers of Entry conferred by the One hundred and forty-third Section of the "Public Health Act, 1848," for the Purposes of making or keeping in repair any Works made or to be made by them, as well as for the Purposes specified in the said Section.

Payment of
Expenses.

6. A Sewer Authority shall pay all Expenses incurred by them in carrying this Act into effect out of the Fund or Rate in the Schedule in that Behalf mentioned, and shall have all such Powers of borrowing Money on the Security of such Fund or Rate as Local Boards have of borrowing Money under "The Local Government Act, 1858," and the Acts amending that Act, on the Security of the Funds or Rates in the said Acts in that Behalf mentioned, subject to the Conditions and Sanction under which such Powers are exercised by Local Boards under the said Acts.

7. A Sewer

Sewage Utilization.

7. A Sewer Authority shall, for the Purposes of this Act, have the Powers of taking Lands conferred on Local Boards by the Seventy-fifth Section of "The Local Government Act, 1858," and any Act amending the same.

Power to
take Lands.

8. Full Compensation shall be made, out of any Fund or Rate applicable to the Purposes of this Act, to all Persons sustaining any Damage by reason of the Exercise of any of the Powers of this Act; and in case of Dispute as to Amount, the same shall be settled by Arbitration as provided in "The Public Health Act, 1848," or any Act amending the same, or if the Compensation claimed do not exceed the Sum of Twenty Pounds, the same may be ascertained by and recovered before Justices in a summary Manner, in manner provided by the Acts mentioned in this Section.

Compensation.

9. Two or more Sewer Authorities, including under that Expression for the Purposes of this Section Local Boards, may combine together for the Purpose of executing and maintaining any Works that may be for the Benefit of their respective Districts, and all Monies they may agree to contribute for the Execution and Maintenance of such common Works shall, in the Case of each Authority, be deemed to be Expenses incurred by them in the Execution of Works within their District, and shall be raised accordingly.

Power of
Sewer Au-
thorities to
combine.

10. A Sewer Authority, with the Sanction of Her Majesty's Attorney General in *England*, and of the Attorney General for *Ireland* in *Ireland*, and of the Lord Advocate in *Scotland*, may, either in its own Name or in the Name of any other Person, with the Consent of such Person, take such Proceedings by Indictment, Bill in Chancery, Action, or otherwise, as it may deem advisable, for the Purpose of protecting any Watercourse within its Jurisdiction from Pollutions arising from Sewage either within or without its District; and the Costs of and incidental to any such Proceedings, including any Costs that may be awarded to the Defendant, shall be deemed to be Expenses properly incurred by the Sewer Authority in carrying into effect the Purposes of this Act.

Sewer Au-
thority may
take Pro-
ceedings to
prevent
Pollution of
Streams.

11. Nothing contained in this Act, or in the Acts referred to therein, shall authorize any Sewer Authority to make a Sewer so as to drain direct into any Stream or Watercourse.

Sewers not
allowed to
drain into
any Stream,
&c.

12. The

Sewage Utilization.

Power to
Public
Works Loan
Commission-
ers to lend
Money to
Sewer Au-
thorities.

12. The Public Works Loan Commissioners, as defined by "The Public Works Loan Act, 1853," may advance to any Sewer Authority, upon the Security of any Rate applicable to the Purposes of this Act, without any further Security, such Sums of Money as may be recommended by One of Her Majesty's Principal Secretaries of State, to be applied by such Authority in carrying into effect the Purposes of this Act.

Powers of
Act cumu-
lative.

13. All Powers given by this Act shall be deemed to be in addition to and not in derogation of any other Powers conferred on any Sewer Authority by Act of Parliament, Law, or Custom; and the Sewer Authority may exercise such other Powers in the same Manner as if this Act had not passed.

Sewer Au-
thority may
enter into
Contract for
Supply of
Sewage.

14. The Sewer Authority of any Place may from Time to Time, for the Purpose of utilizing its Sewage, agree with any Person or Body of Persons, corporate or unincorporate, as to the Supply of such Sewage, and Works to be made for the Purpose of that Supply, and the Parties to execute the same and to bear the Costs thereof, and the Sums of Money, if any, to be paid for that Supply; provided that no Contract shall be made for the Supply of Sewage for a Period exceeding Twenty-five Years.

Application
of 27 & 28
Vict. c. 114.
to Works,
&c. for Sup-
ply of
Sewage.

15. The making of Works of Distribution and Service for the Supply of Sewage to Lands for Agricultural Purposes shall be deemed an "Improvement of Land" authorized by the "Land Improvement Act, 1864," and the Provisions of that Act shall apply accordingly.

Board of
Works in
Ireland to
have Power
of Secretary
of State in
Sewage
Matters.

16. The Commissioners of Public Works in *Ireland* shall, in respect to any Sewage Authority or Sewage Matter in *Ireland*, have and exercise all the Powers conferred by this Act, or any Act incorporated herewith, on One of Her Majesty's Principal Secretaries of State; and all Applications by this Act, or any Act incorporated herewith, authorized or directed to be made to One of Her Majesty's Principal Secretaries of State in respect to Sewage Matters, or the Powers conferred by this Act on Sewage Authorities, shall in *Ireland* be made to the Commissioners of Public Works; and all Orders made on such Applications by said Commissioners shall have the same Force and Effect as Orders made by One of Her Majesty's Principal Secretaries of State on similar Applications in *England* and *Scotland*.

*Sewage Utilization.*SCHEDULE.

ENGLAND AND WALES.

Description of Local Authority.	Description of Places.	Rate or Fund out of which Expenses to be paid.
The Mayor, Aldermen, and Burgesses acting by the Council.	In Boroughs, with the Exception of the Boroughs of Oxford and Cambridge, not within the Jurisdiction of a Local Board.	The Borough Fund or Borough Rate.
The Commissioners, Trustees, or other Persons intrusted by any Local Act of Parliament with Powers of improving, cleansing, lighting, or paving the Town.	The Boroughs of Oxford and Cambridge, and any Town or Place not included within the above Descriptions, and under the Jurisdiction of Commissioners, Trustees, or other Persons intrusted by any Local Act with Powers of improving, cleansing, lighting, or paving any Town.	Any Rate leviable by the Commissioners, Trustees, or other Persons.
The Vestry, Select Vestry, or other Body of Persons acting by virtue of any Act of Parliament, Prescription, Custom, or otherwise, as or instead of a Vestry or Select Vestry.	In Parishes not within the Jurisdiction of any Sewer Authority herein-before mentioned, and in which a Rate is levied for the Maintenance of the Poor.	The Poor Rate.

SCOTLAND.

The Town Council -	Places within the Jurisdiction of any Town Council, and not subject to the separate Jurisdiction of Police Commissioners or Trustees.	The Revenue of the Burgh, or any Rate applicable to Sewers leviable by the Town Council.
The Police Commissioners or Trustees.	In Places where Police Commissioners or Trustees exercise the Functions of Police Commissioners or Trustees under any General or Local Act.	Any Rate leviable by the Commissioners or Trustees, or any Fund belonging to them.
The Parochial Board -	Any Town or Village not included in the above Descriptions.	The Poor Rate.

Sewage Utilization.

IRELAND.

Description of Local Authority.	Description of Places.	Rate or Fund out of which Expenses to be paid.
The Right Hon. the Lord Mayor, Aldermen, and Burgesses.	The City of Dublin - - -	The District Sewer Rate.
The Mayor, Aldermen, and Burgesses.	Towns Corporate or Boroughs (with the Exception of Dublin).	Any Rate leviable by the Town Council, or any Fund belonging to them, applicable in the whole or in part to the making or repairing of Sewers within their Jurisdiction.
The Town Commissioners or other Governing Body.	Towns having Town Commissioners under 9 G. 4. c. 82. or 17 & 18 Vict. c. 103., or any Acts amending the same, or having Commissioners or other Governing Body under any Local Act.	Any Rate leviable by these Bodies, or any Fund belonging to them, applicable in the whole or in part to the making or repairing of Sewers within their Jurisdiction.
The Board of Guardians or any Committee thereof appointed by the Board.	Any Town or Village in any Union not included in the above Descriptions.	The Poor Rate ; but the Expenses to be charged only on the Electoral Division in which the Town or Village is situated.

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ANNO VICESIMO NONO & TRICESIMO

VICTORIÆ REGINÆ.

C A P. XLI.

An Act to amend the Nuisances Removal and Diseases Prevention Act, 1860.

[28th *June* 1866.]

WHEREAS it is expedient that the Provisions of the Act Twenty-third and Twenty-fourth *Victoria*, Chapter Seventy-seven, as to the Power of Justices of the Peace to act in Cases other than Appeals arising under “The Nuisances Removal Act for *England*, 1855,” should be repealed, and that the said Act of the Twenty-third and Twenty-fourth *Victoria*, Chapter Seventy-seven, should be amended as herein-after mentioned: Be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. The Sixteenth Section of the Act of the Twenty-third and Twenty-fourth *Victoria*, Chapter Seventy-seven, shall be and is hereby repealed. Sect. 16. of 23 & 24 Vict. c. 77. repealed.

2. No Justice of the Peace shall be deemed incapable of acting in Cases under the Nuisances Removal Act, or the Act of the Twenty-third and Twenty-fourth *Victoria*, Chapter Seventy-seven, by reason of his being a Member of any Body thereby declared to be the Authority to execute the said Act, or by reason of his being

No Justice to be incapable of acting because Member of Body authorized

Nuisances Removal.

to execute
Act or liable
to contri-
bute.

a Contributor or liable to contribute to any Rate or Fund out of which it is thereby provided that all Charges and Expenses incurred in executing the said Act, and not recovered as therein provided, shall be defrayed.

Short Title. **3.** This Act may be cited as “The Nuisances Removal Act, (No. 1), 1866.”

LONDON :

Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen’s most Excellent Majesty. 1866.



ANNO VICESIMO NONO & TRICESIMO

VICTORIÆ REGINÆ.

C A P. XC.

An Act to amend the Law relating to the Public
Health. [7th August 1866.]

WHEREAS it is expedient to amend the Law relating to Public Health: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preliminary.

1. This Act may be cited for all Purposes as The Sanitary Act, 1866. Short Title of Act.

PART I.

Amendment of the Sewage Utilization Act, 1865.

2. "Sewer Authority" in this Act shall have the same Meaning as it has in The Sewage Utilization Act, 1865. Definition of "Sewer Authority":

The Words "Lord Lieutenant in Council" shall mean in this Act the Lord Lieutenant or any Chief Governor or Chief Governors in *Ireland* acting by and with the Consent of Her Majesty's Privy Council in *Ireland*. "Lord Lieutenant in Council."

Public Health.

This Part
to be con-
strued with
28 & 29 Vict.
c. 75.

3. This Part of this Act shall be construed as One with The Sewage Utilization Act, 1865, and the Expression "The Sewage Utilization Act, 1865," as used in this or any other Act of Parliament or other Document, shall mean the said Sewage Utilization Act, 1865, as amended by this Act.

Power to
Sewer Au-
thority to
form Com-
mittee of its
own Mem-
bers and
others.

4. Any Sewer Authority may from Time to Time, at any Meeting specially convened for the Purpose, form One or more Committee or Committees consisting wholly of its own Members, or partly of its own Members and partly of such other Persons contributing to the Rate or Fund out of which the Expenses incurred by such Authority are paid, and qualified in such other Manner as the Sewer Authority may determine, and may delegate, with or without Conditions or Restrictions, to any Committee so formed, all or any Powers of such Sewer Authority, and may from Time to Time revoke, add to, or alter any Powers so given to a Committee.

A Committee may elect a Chairman of its Meetings. If no Chairman is elected, or if the Chairman elected is not present at the Time appointed for holding the same, the Members present shall choose One of their Number to be Chairman of such Meeting. A Committee may meet and adjourn as it thinks proper. The Quorum of a Committee shall consist of such Number of Members as may be prescribed by the Sewer Authority that appointed it, or, if no Number be prescribed, of Three Members. Every Question at a Meeting shall be determined by a Majority of Votes of the Members present, and voting on that Question; and in case of an equal Division of Votes the Chairman shall have a Second or Casting Vote.

The Proceedings of a Committee shall not be invalidated by any Vacancy or Vacancies amongst its Members.

A Sewer Authority may from Time to Time add to or diminish the Number of the Members or otherwise alter the Constitution of any Committee formed by it, or dissolve any Committee.

A Committee of the Sewer Authority shall be deemed to be the Agents of that Authority, and the Appointment of such Committee shall not relieve the Sewer Authority from any Obligation imposed on it by Act of Parliament or otherwise.

Formation
of Special
Drainage
District.

5. Where the Sewer Authority of a District is a Vestry, Select Vestry, or other Body of Persons acting by virtue of any Act of Parliament, Prescription, Custom, or otherwise as or instead of a Vestry or Select Vestry, it may, by Resolution at any Meeting convened for the Purpose after Twenty-one clear Days Notice affixed to the Places where Parochial Notices are usually affixed in its District, form any Part of such District into a Special
Drainage

Public Health.

Drainage District for the Purposes of the Sewage Utilization Act, and thereupon such Special Drainage District shall, for the Purposes of The Sewage Utilization Act, 1865, and the Powers therein conferred, be deemed to be a Parish in which a Rate is levied for the Maintenance of the Poor, and of which a Vestry is the Sewer Authority, subject, as respects any Meeting of the Inhabitants thereof in Vestry, to the Act of the Fifty-eighth Year of the Reign of King *George* the Third, Chapter Sixty-nine, and the Acts amending the same; and any Officer or Officers who may from Time to Time be appointed by the Sewer Authority of such Special Drainage District for the Purpose shall have within that District all the Powers of levying a Rate for the Purpose of defraying the Expense of carrying the said Sewage Utilization Act into effect that they would have if such District were such Parish as aforesaid, and such Rate were a Rate for the Relief of the Poor, and they were duly appointed Overseers of such Parish.

6. Where the Sewer Authority of any Place has formed a Special Drainage District in pursuance of this Act, if any Number of the Inhabitants of such Place, not being less than Twenty, feel aggrieved by the Formation of such District, or desire any Modification in its Boundaries, they may, by Petition in Writing under their Hands, bring their Case under the Consideration of One of Her Majesty's Principal Secretaries of State, and the said Secretary of State may after due Investigation annul the Formation of the Special Drainage District or modify its Boundaries as he thinks just.

Appeal
against Con-
stitution of
Special
Drainage
District.

7. A Copy of the Resolution of a Sewer Authority forming a Special Drainage District shall be published by affixing a Notice thereof to the Church Door of the Parish in which the District is situate, or of the adjoining Parish if there be no Church in the said Parish, and by advertising Notice thereof in some Newspaper published or circulating in the County in which such District is situate; and the Production of a Newspaper containing such Advertisement, or a Certificate under the Hand of the Clerk or other Officer performing the Duties of Clerk for the Time being of the Sewer Authority which passed the Resolution forming the District, shall be Evidence of the Formation of such District, and after the Expiration of Three Months from the Date of the Resolution forming the District such District shall be presumed to have been duly formed, and no Objection to the Formation thereof shall be entertained in any legal Proceedings whatever:

Evidence of
Formation
of Special
Drainage
District.

8. Any Owner or Occupier of Premises within the District of a Sewer Authority shall be entitled to cause his Drains to empty into the

Power to
drain into
Sewers of
Sewer Au-
thority.

Public Health.

the Sewers of that Authority on condition of his giving such Notice as may be required by that Authority of his Intention so to do, and of complying with the Regulations of that Authority in respect of the Mode in which the Communications between such Drains and Sewers are to be made, and subject to the Control of any Person who may be appointed by the Sewer Authority to superintend the making of such Communications; but any Person causing any Drain to empty into any Sewer of a Sewer Authority without complying with the Provisions of this Section shall incur a Penalty not exceeding Twenty Pounds, and it shall be lawful for the Sewer Authority to close any Communication between a Drain and Sewer made in contravention of this Section, and to recover in a summary Manner from the Person so offending any Expenses incurred by them under this Section.

Use of
Sewers by
Persons
beyond Dis-
trict.

9. Any Owner or Occupier of Premises beyond the Limits of the District of a Sewer Authority may cause any Sewer or Drain from such Premises to communicate with any Sewer of the Sewer Authority upon such Terms and Conditions as may be agreed upon between such Owner or Occupier and such Sewer Authority, or in case of Dispute may, at the Option of the Owner or Occupier, be settled by Two Justices or by Arbitration in manner provided by the Public Health Act, 1848, in respect of Matters by that Act authorized or directed to be settled by Arbitration.

As to the
Drainage of
Houses.

10. If a Dwelling House within the District of a Sewer Authority is without a Drain or without such Drain as is sufficient for effectual Drainage, the Sewer Authority may by Notice require the Owner of such House within a reasonable Time therein specified to make a sufficient Drain emptying into any Sewer which the Sewer Authority is entitled to use, and with which the Owner is entitled to make a Communication, so that such Sewer be not more than One hundred Feet from the Site of the House of such Owner, but if no such Means of Drainage are within that Distance, then emptying into such covered Cesspool or other Place not being under any House, as the Sewer Authority directs; and if the Person on whom such Notice is served fails to comply with the same, the Sewer Authority may itself, at the Expiration of the Time specified in the Notice, do the Work required, and the Expenses incurred by it in so doing may be recovered from such Owner in a summary Manner.

Supply of
Water to
District of
Sewer Au-
thority.

11. A Sewer Authority within its District shall have the same Powers in relation to the Supply of Water that a Local Board has within its District, and the Provisions of the Sections herein-after mentioned shall apply accordingly in the same Manner as if in
such

Public Health.

such Provisions "Sewer Authority" were substituted for "Local Board of Health" or "Local Board," and the District in such Provisions mentioned were the District of the Sewer Authority and not the District of the Local Board; that is to say, the Sections numbered from Seventy-five to Eighty, both inclusive, of The Public Health Act, 1848, Sections Fifty-one, Fifty-two, and Fifty-three of the Local Government Act, 1858, and Section Twenty of The Local Government Act, 1858, Amendment Act, 1861.

The Sewer Authority may, if it think it expedient so to do, provide a Supply of Water for the Use of the Inhabitants of the District by

- (1.) Digging Wells;
- (2.) Making and maintaining Reservoirs;
- (3.) Doing any other necessary Acts;

and they may themselves furnish the same, or contract with any other Persons or Companies to furnish the same: Provided always, that no Land be purchased or taken under this Clause except by Agreement or in manner provided by The Local Government Act, 1858.

12. Any Expenses incurred by a Sewer Authority in or about the Supply of Water to its District, and in carrying into effect the Provisions herein-before in that Behalf mentioned, shall be deemed to be Expenses incurred by that Authority in carrying into effect the Sewage Utilization Act, 1865, and be payable accordingly.

Expenses of
Sewer Au-
thority in
supplying
Water.

13. All Property in Wells, Fountains, and Pumps, and Powers in relation thereto, vested in the Nuisance Authority by the Seventh Section of the Act passed in the Session of the Twenty-third and Twenty-fourth Years of the Reign of Her present Majesty, Chapter Seventy-seven, shall vest in the Sewer Authority, where the Sewer Authority supplies Water to its District.

Wells, &c.
belonging to
any Place
vested in
Sewer
Authority,
&c.
23 & 24 Vict.
c. 77. s. 7.

PART II.

Amendment of the Nuisances Removal Acts.

14. The Expression "Nuisances Removal Acts" shall mean the Acts passed in the Years following of the Reign of Her present Majesty, that is to say, the One in the Session of the Eighteenth and Nineteenth Years, Chapter One hundred and twenty-one, and the other in the Session of the Twenty-third and Twenty-fourth Years, Chapter Seventy-seven, as amended by this Part of this Act; and this Part of this Act shall be construed as One with the said Acts,

Definition of
"Nuisances
Removal
Acts."

Public Health.

and all Expenses incurred by a Nuisance Authority in carrying into effect any of the Provisions of this Part of this Act shall be deemed to be Expenses incurred by it in carrying into effect the Nuisances Removal Acts.

Definition of
"Nuisance
Authority."

15. "Nuisance Authority" shall mean any Authority empowered to execute the Nuisances Removal Acts.

Power of
Police with
respect to
Nuisances.

16. In any Place within the Jurisdiction of a Nuisance Authority the Chief Officer of Police within that Place, by and under the Directions of One of Her Majesty's Principal Secretaries of State, on its being proved to his Satisfaction that the Nuisance Authority has made default in doing its Duty, may institute any Proceeding which the Nuisance Authority of such Place might institute with respect to the Removal of Nuisances: Provided always, that no Officer of Police shall be at liberty to enter any House or Part of a House used as the Dwelling of any Person without such Person's Consent, or without the Warrant of a Justice of the Peace, for the Purpose of carrying into effect this Act.

Sect. 3. of
23 & 24 Vict.
c. 77. re-
pealed.

17. The Third Section of the said Act of the Session of the Twenty-third and Twenty-fourth Years of the Reign of Her present Majesty, Chapter Seventy-seven, shall be repealed, and all Powers vested in any Highway Board or "Nuisance Removal Committee" under the Nuisances Removal Acts shall determine, and all Property belonging to them for the Purposes of the said Nuisances Removal Acts shall, subject to any Debts or Liabilities affecting the same, be transferred to or vested in the Nuisance Authority under the said Acts: Provided always, that this Section shall not extend to any Vestry or District Board, under the Act of the Session of Eighteenth and Nineteenth Years of the Reign of Her present Majesty, Chapter One hundred and twenty, intituled *An Act for the better Local Management of the Metropolis*, or to any Committee appointed by such Vestry or District Board for the Purpose of carrying into effect the Nuisances Removal Acts or any of them.

18 & 19 Vict.
c. 120.

Requisition
of Ten
Inhabitants
equivalent
to Certificate
of Medical
Officer.

18. A Requisition in Writing under the Hands of any Ten Inhabitants of a Place shall for the Purposes of the Twenty-seventh Section of "The Nuisances Removal Act for *England*, 1855," be deemed to be equivalent to the Certificate of the Medical Officer or Medical Practitioners therein mentioned, and the said Section shall be enforced accordingly.

19. The

Public Health.

19. The Word "Nuisances" under the Nuisance Removal Acts shall include,

Addition to
Definition of
Nuisance.

1. Any House or Part of a House so overcrowded as to be dangerous or prejudicial to the Health of the Inmates :

2. Any Factory, Workshop, or Workplace not already under the Operation of any General Act for the Regulation of Factories or Bakehouses, not kept in a cleanly State, or not ventilated in such a Manner as to render harmless as far as practicable any Gases, Vapours, Dust, or other Impurities generated in the course of the Work carried on therein that are a Nuisance or injurious or dangerous to Health, or so overcrowded while Work is carried on as to be dangerous or prejudicial to the Health of those employed therein :

3. Any Fireplace or Furnace which does not as far as practicable consume the Smoke arising from the Combustible used in such Fireplace or Furnace, and is used within the District of a Nuisance Authority for working Engines by Steam, or in any Mill, Factory, Dyehouse, Brewery, Bakehouse, or Gaswork, or in any Manufactory or Trade Process whatsoever :

Any Chimney (not being the Chimney of a private Dwelling House) sending forth Black Smoke in such Quantity as to be a Nuisance :

Provided, first, that in Places where at the Time of the passing of this Act no Enactment is in force compelling Fireplaces or Furnaces to consume their own Smoke, the foregoing Enactment as to Fireplaces and Furnaces consuming their own Smoke shall not come into operation until the Expiration of One Year from the Date of the passing of this Act :

Secondly, that where a Person is summoned before the Justices in respect of a Nuisance arising from a Fireplace or Furnace which does not consume the Smoke arising from the Combustible used in such Fireplace or Furnace, the Justices may hold that no Nuisance is created within the Meaning of this Act, and dismiss the Complaint, if they are satisfied that such Fireplace or Furnace is constructed in such Manner as to consume as far as practicable, having regard to the Nature of the Manufacture or Trade, all Smoke arising therefrom, and that such Fireplace or Furnace has been carefully attended to by the Person having the Charge thereof.

20. It shall be the Duty of the Nuisance Authority to make from Time to Time, either by itself or its Officers, Inspection of the District, with a view to ascertain what Nuisances exist calling for Abatement under the Powers of the Nuisance Removal Acts, and to enforce

Duties of
Nuisance
Authorities
as to In-
spection of
Nuisances,
&c.

Public Health.

enforce the Provisions of the said Acts in order to cause the Abatement thereof, also to enforce the Provisions of any Act that may be in force within its District requiring Fireplaces and Furnaces to consume their own Smoke; and any Justice upon Complaint upon Oath may make an Order to admit the Nuisance Authority or their Officers for these Purposes, as well as to ground Proceedings under the Eleventh Section of The Nuisances Removal Act, 1855.

As to Proceedings of Nuisance Authority under Sect. 12. of 18 & 19 Vict. c. 121.

21. The Nuisance Authority or Chief Officer of Police shall, previous to taking Proceedings before a Justice under the Twelfth Section of the Nuisances Removal Act, 1855, serve a Notice on the Person by whose Act, Default, or Sufferance the Nuisance arises or continues, or, if such Person cannot be found or ascertained, on the Owner or Occupier of the Premises on which the Nuisance arises, to abate the same, and for that Purpose to execute such Works and to do all such Things as may be necessary within a Time to be specified in the Notice: Provided,

First, that where the Nuisance arises from the Want or defective Construction of any structural Convenience, or where there is no Occupier of the Premises, Notice under this Section shall be served on the Owner:

Secondly, that where the Person causing the Nuisance cannot be found, and it is clear that the Nuisance does not arise or continue by the Act, Default, or Sufferance of the Owner or Occupier of the Premises, then the Nuisance Authority may itself abate the same without further Order, and the Cost of so doing shall be Part of the Costs of executing the Nuisances Removal Acts, and borne accordingly.

Power to cause Premises to be cleansed or otherwise disinfected.

22. If the Nuisance Authority shall be of opinion, upon the Certificate of any legally qualified Medical Practitioner, that the cleansing and disinfecting of any House or Part thereof, and of any Articles therein likely to retain Infection, would tend to prevent or check infectious or contagious Disease, it shall be the Duty of the Nuisance Authority to give Notice in Writing requiring the Owner or Occupier of such House or Part thereof to cleanse and disinfect the same as the Case may require; and if the Person to whom Notice is so given fail to comply therewith within the Time specified in the Notice, he shall be liable to a Penalty of not less than One Shilling and not exceeding Ten Shillings for every Day during which he continues to make default; and the Nuisance Authority shall cause such House or Part thereof to be cleansed and disinfected, and may recover the Expenses incurred from the Owner

Public Health.

Owner or Occupier in default in a summary Manner; when the Owner or Occupier of any such House or Part thereof as is referred to in this Section is from Poverty or otherwise unable, in the Opinion of the Nuisance Authority, effectually to carry out the Requirements of this Section, such Authority may, without enforcing such Requirements on such Owner or Occupier, with his Consent, at its own Expense, cleanse and disinfect such House or Part thereof, and any Articles therein likely to retain Infection.

23. The Nuisance Authority in each District may provide a proper Place, with all necessary Apparatus and Attendance, for the Disinfection of Woollen Articles, Clothing, or Bedding which have become infected, and they may cause any Articles brought for Disinfection to be disinfected free of Charge.

Power to
provide
Means of
Disinfection.

24. It shall be lawful at all Times for the Nuisance Authority to provide and maintain a Carriage or Carriages suitable for the Conveyance of Persons suffering under any contagious or infectious Disease, and to pay the Expense of conveying any Person therein to a Hospital or Place for the Reception of the Sick or to his own Home.

Nuisance
Authorities
may provide
Carriages for
Conveyance
of infected
Persons.

25. If any Person suffering from any dangerous infectious Disorder shall enter any public Conveyance without previously notifying to the Owner or Driver thereof that he is so suffering, he shall on Conviction thereof before any Justice be liable to a Penalty not exceeding Five Pounds, and shall also be ordered by such Justice to pay to such Owner and Driver all the Losses and Expenses they may suffer in carrying into effect the Provisions of this Act; and no Owner or Driver of any public Conveyance shall be required to convey any Person so suffering until they shall have been first paid a Sum sufficient to cover all such Losses and Expenses.

Penalty on
Person
suffering
from infec-
tious Dis-
order en-
tering public
Conveyance
without
notifying to
Driver that
he is so
suffering.

26. Where a Hospital or Place for the Reception of the Sick is provided within the District of a Nuisance Authority, any Justice may, with the Consent of the Superintending Body of such Hospital or Place, by Order on a Certificate signed by a legally qualified Medical Practitioner, direct the Removal to such Hospital or Place for the Reception of the Sick, at the Cost of the Nuisance Authority, of any Person suffering from any dangerous contagious or infectious Disorder, being without proper Lodging or Accommodation, or lodged in a Room occupied by more than One Family, or being on board any Ship or Vessel.

Removal of
Persons sick
of infectious
Disorders,
and without
proper
Lodging, in
any District.

Public Health.

Places for the Reception of dead Bodies may be provided at the Public Expense.

27. Any Nuisance Authority may provide a proper Place for the Reception of dead Bodies, and where any such Place has been provided, and any dead Body of one who has died of any infectious Disease is retained in a Room in which Persons live or sleep, or any dead Body which is in such a State as to endanger the Health of the Inmates of the same House or Room is retained in such House or Room, any Justice may, on a Certificate signed by a legally qualified Medical Practitioner, order the Body to be removed to such proper Place of Reception at the Cost of the Nuisance Authority, and direct the same to be buried within a Time to be limited in such Order; and unless the Friends or Relations of the Deceased undertake to bury the Body within the Time so limited, and do bury the same, it shall be the Duty of the Relieving Officer to bury such Body at the Expense of the Poor Rate, but any Expense so incurred may be recovered by the Relieving Officer in a summary Manner from any Person legally liable to pay the Expense of such Burial.

Places for Reception of dead Bodies during Time required for post-mortem Examination may be provided.

28. Any Nuisance Authority may provide a proper Place (otherwise than at a Workhouse or at a Mortuary House as lastly hereinbefore provided for) for the Reception of dead Bodies for and during the Time required to conduct any *Post-mortem* Examination ordered by the Coroner of the District or other constituted Authority, and may make such Regulations as they may deem fit for the Maintenance, Support, and Management of such Place; and where any such Place has been provided, any Coroner or other constituted Authority may order the Removal of the Body for carrying out such *Post-mortem* Examination and the Re-removal of such Body, such Costs of Removal and Re-removal to be paid in the same Manner and out of the same Fund as the Costs and Fees for *Post-mortem* Examinations when ordered by the Coroner.

Power to remove to Hospital sick Persons brought by Ships.

29. Any Nuisance Authority may, with the Sanction of the Privy Council, signified in manner provided by "The Public Health Act, 1858," lay down Rules for the Removal to any Hospital to which such Authority is entitled to remove Patients, and for keeping in such Hospital so long as may be necessary, any Persons brought within their District by any Ship or Boat who are infected with a dangerous and infectious Disorder, and they may by such Rules impose any Penalty not exceeding Five Pounds on any Person committing any Offence against the same.

Provision as to District of Nuisance Authority extending to Places

30. For the Purposes of this Act, any Ship, Vessel, or Boat that is in a Place not within the District of a Nuisance Authority shall be deemed to be within the District of such Nuisance Authority as may be prescribed by the Privy Council, and until a Nuisance Authority

Public Health.

Authority has been prescribed then of the Nuisance Authority whose District nearest adjoins the Place where such Ship, Vessel, or Boat is lying, the Distance being measured in a straight Line, but nothing in this Act contained shall enable any Nuisance Authority to interfere with any Ship, Vessel, or Boat that is not in *British Waters*. where Ships are lying.

31. The Power of Entry given to the Authorities by the Eleventh Section of the Nuisances Removal Act, 1855, may be exercised at any Hour when the Business in respect of which the Nuisance arises is in progress or is usually carried on. Power of Entry to Nuisance Authority or their Officer under Sect. 11. of 18 & 19 Vict. c. 121.

And any Justices Order once issued under the said Section shall continue in force until the Nuisance has been abated, or the Work for which the Entry was necessary has been done.

32. Any Ship or Vessel lying in any River, Harbour, or other Water shall be subject to the Jurisdiction of the Nuisance Authority of the District within which such River, Harbour, or other Water is, and be within the Provisions of the Nuisances Removal Acts, in the same Manner as if it were a House within such Jurisdiction, and the Master or other Officer in charge of such Ship shall be deemed for the Purposes of the Nuisances Removal Acts to be the Occupier of such Ship or Vessel; but this Section shall not apply to any Ship or Vessel belonging to Her Majesty or to any Foreign Government. Provision as to Ships within the Jurisdiction of Nuisance Authority.

33. Where the Guardians are the Nuisance Authority for Part of any Parish only, and shall require to expend Money on account of such Part in execution of the Provisions of the said Acts, the Overseers of the Parish shall, upon Receipt of an Order from the said Guardians, raise the requisite Amount from the Persons liable to be assessed to the Poor Rate therein by a Rate to be made in like Manner as a Poor Rate, and shall have all the same Powers of making and recovering the same, and of paying the Expense of collecting the Rate when made, and shall account to the Auditor of the District for Receipt and Disbursement of the same, in like Manner, and with the same Consequences, as in the Case of the Poor Rate made by them. Provision for raising Money in divided Parishes.

34. That it shall be lawful for the Nuisance Authority, at their Discretion, to require the Payment of any Costs or Expenses which the Owner of any Premises may be liable to pay under the said Nuisances Removal Acts or this Act, either from the Owner or from any Person who then or at any Time thereafter occupies such Premises, and such Owner or Occupier shall be liable to pay the same, Nuisance Authority may require Payment of Costs or Expenses from Owner or Occupier, and Occupier

Public Health.

paying to
deduct from
Rent.

same, and the same shall be recovered in manner authorized by the Nuisance Removal Acts, and the Owner shall allow such Occupier to deduct the Sums of Money which he so pays out of the Rent from Time to Time becoming due in respect of the said Premises, as if the same had been actually paid to such Owner as Part of such Rent: Provided always, that no such Occupier shall be required to pay any further Sum than the Amount of Rent for the Time being due from him, or which after such Demand of such Costs or Expenses from such Occupier, and after Notice not to pay his Landlord any Rent without first deducting the Amount of such Costs or Expenses, becomes payable by such Occupier, unless he refuse, on Application being made to him for that Purpose by or on behalf of the Nuisance Authority truly to disclose the Amount of his Rent and the Name and Address of the Person to whom such Rent is payable, but the Burden of Proof that the Sum demanded from any such Occupier is greater than the Rent due by him at the Time of such Notice, or which has since accrued, shall lie upon such Occupier; provided also, that nothing herein contained shall be taken to affect any Contract made or to be made between any Owner or Occupier of any House, Building, or other Property whereof it is or may be agreed that the Occupier shall pay or discharge all Rates, Dues, and Sums of Money payable in respect of such House, Building, or other Property, or to affect any Contract whatsoever between Landlord or Tenant.

PART III.

Miscellaneous.

In Cities,
Boroughs, or
Towns,
Secretary of
State, on
Application
of Nuisance
Authority,
may em-
power them
to make Re-
gulations
as to
Lodging
Houses.

35. On Application to One of Her Majesty's Principal Secretaries of State by the Nuisance Authority of the City of *London*, or any District or Parish included within the Act for the better Local Government of the Metropolis, or of any Municipal Borough, or of any Place under The Local Government Act, 1858, or any Local Improvement Act, or of any City or Town containing, according to the Census for the Time being in force, a Population of not less than Five thousand Inhabitants, the Secretary of State may, as he may think fit, by Notice to be published in the *London Gazette*, declare the following Enactment to be in force in the District of such Nuisance Authority, and from and after the Publication of such Notice the Nuisance Authority shall be empowered to make Regulations for the following Matters; that is to say,

1. For fixing the Number of Persons who may occupy a House or Part of a House which is let in Lodgings or occupied by Members of more than One Family:

2. For

Public Health.

2. For the Registration of Houses thus let or occupied in Lodgings :
3. For the Inspection of such Houses, and the keeping the same in a cleanly and wholesome State :
4. For enforcing therein the Provision of Privy Accommodation and other Appliances and Means of Cleanliness in proportion to the Number of Lodgings and Occupiers, and the cleansing and Ventilation of the common Passages and Staircases :
5. For the cleansing and lime-whiting at stated Times of such Premises :

The Nuisance Authority may provide for the Enforcement of the above Regulations by Penalties not exceeding Forty Shillings for any One Offence, with an additional Penalty not exceeding Twenty Shillings for every Day during which a Default in obeying such Regulations may continue ; but such Regulations shall not be of any Validity unless and until they shall have been confirmed by the Secretary of State.

But this Section shall not apply to Common Lodging Houses within the Provisions of The Common Lodging Houses Act, 1851, or any Act amending the same.

36. Where Two Convictions against the Provisions of any Act relating to the overcrowding of a House, or the Occupation of a Cellar as a separate Dwelling Place, shall have taken place within the Period of Three Months, whether the Persons so convicted were or were not the same, it shall be lawful for any Two Justices to direct the closing of such Premises for such Time as they may deem necessary, and in the Case of Cellars occupied as aforesaid, to empower the Nuisance Authority to permanently close the same in such Manner as they may deem fit, at their own Cost.

Cases in which Two Convictions have occurred within Three Months.

37. The Sewer Authority, or in the Metropolis the Nuisance Authority, may provide for the Use of the Inhabitants within its District Hospitals or temporary Places for the Reception of the Sick.

Power to provide Hospitals.

Such Authority may itself build such Hospitals or Places of Reception, or make Contracts for the Use of any existing Hospital or Part of a Hospital, or for the temporary Use of any Place for the Reception of the Sick.

It may enter into any Agreement with any Person or Body of Persons having the Management of any Hospital for the Reception of the sick Inhabitants of its District, on Payment by the Sewer Authority of such annual or other Sum as may be agreed upon.

The carrying into effect this Section shall in the Case of a Sewer Authority be deemed to be One of the Purposes of the said Sewage

Public Health.

Utilization Act, 1865, and all the Provisions of the said Act shall apply accordingly.

Two or more Authorities having respectively the Power to provide separate Hospitals may combine in providing a common Hospital, and all Expenses incurred by such Authorities in providing such Hospital shall be deemed to be Expenses incurred by them respectively in carrying into effect the Purposes of this Act.

Penalty on any Person, with infectious Disorder, exposing himself, or on any Person in charge of such Sufferer causing such Exposure.

38. Any Person suffering from any dangerous infectious Disorder who wilfully exposes himself, without proper Precaution against spreading the said Disorder, in any Street, public Place, or public Conveyance, and any Person in charge of one so suffering who so exposes the Sufferer, and any Owner or Driver of a public Conveyance who does not immediately provide for the Disinfection of his Conveyance after it has, with the Knowledge of such Owner or Driver, conveyed any such Sufferer, and any Person who without previous Disinfection gives, lends, sells, transmits, or exposes any Bedding, Clothing, Rags, or other Things which have been exposed to Infection from such Disorders, shall, on Conviction of such Offence before any Justice, be liable to a Penalty not exceeding Five Pounds: Provided that no Proceedings under this Section shall be taken against Persons transmitting with proper Precautions any such Bedding, Clothing, Rags, or other Things for the Purpose of having the same disinfected.

Penalty on Persons letting Houses in which infected Persons have been lodging.

39. If any Person knowingly lets any House, Room, or Part of a House in which any Person suffering from any dangerous infectious Disorder has been to any other Person without having such House, Room, or Part of a House, and all Articles therein liable to retain Infection, disinfected to the Satisfaction of a qualified Medical Practitioner as testified by a Certificate given by him, such Person shall be liable to a Penalty not exceeding Twenty Pounds. For the Purposes of this Section the Keeper of an Inn shall be deemed to let Part of a House to any Person admitted as a Guest into such Inn.

Guardians, &c. of the Poor to be the Local Authorities for executing Diseases Prevention Act.

40. Where in any Place Two or more Boards of Guardians or Local Authorities have Jurisdiction, the Privy Council may, by any Order made under The Diseases Prevention Act, 1855, authorize or require such Boards to act together for the Purposes of that Act, and may prescribe the Mode of such joint Action and of defraying the Costs thereof.

Evidence of Family in case of overcrowded Houses.

41. In any Proceedings under The Common Lodging Houses Act, 1851, if the Inmates of any House or Part of a House allege that

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that they are Members of the same Family, the Burden of proving such Allegation shall lie on the Persons making it.

42. The sixty-seventh Section of The Public Health Act, 1848, relating to Cellar Dwellings, shall apply to every Place in *England* and *Ireland* where such Dwellings are not regulated by any other Act of Parliament, and in applying that Section to Places where it is not in force at the Time of the passing of this Act the Expression “this Act” shall be construed to mean the “Sanitary Act, 1866,” and not the said Public Health Act, 1848. In construing the said Sixty-seventh Section as applied by this Act Nuisance Authority shall be substituted for the Local Board.

Extension to the whole of England and Ireland of Sect. 67. of 11 & 12 Vict. c. 63.

43. Local Boards acting in execution of the Local Government Act, 1858, may adopt the Act to encourage the Establishment of public Baths and Wash-houses, and any Act amending the same, for Districts in which those Acts are not already in force, and when they have adopted the said Acts they shall have all the Powers, Duties, and Rights of Commissioners under the said Acts; and all Expenses incurred by any Local Board in carrying into execution the Acts referred to in this Section shall be defrayed out of the General District Rates, and all Receipts by them under the said Acts shall be carried to the District Fund Account.

Local Board in certain Cases may adopt Baths and Wash-houses Acts.

44. When the District of a Burial Board is conterminous with the District of a Local Board of Health, the Burial Board may, by Resolution of the Vestry, and by Agreement of the Burial Board and Local Board, transfer to the Local Board all their Estate, Property, Rights, Powers, Duties, and Liabilities, and from and after such Transfer the Local Board shall have all such Estate, Property, Rights, Powers, Duties, and Liabilities as if the Local Board had been appointed a Burial Board by Order in Council under the Fourth Section of the Act of the Session of the Twentieth and Twenty-first Years of the Reign of Her present Majesty, Chapter Eighty-one.

Power to Burial Boards in certain Cases to transfer their Powers to Local Board.

45. If any Person wilfully damages any Works or Property belonging to any Local Board, Sewer Authority, or Nuisance Authority, he shall be liable to a Penalty not exceeding Five Pounds.

Penalty for wilful Damage of Works.

46. The following Bodies, that is to say, Local Boards, Sewer Authorities, and Nuisance Authorities, if not already incorporated, shall respectively be Bodies Corporate designated by such Names as they may usually bear or adopt, with Power to sue and be sued in such Names, and to hold Lands for the Purposes of the several Acts conferring Powers on such Bodies respectively in their several Characters

Incorporation of Sanitary Authorities.

Public Health.

Characters of Local Boards, Sewer Authorities, or Nuisance Authorities.

Extent of Authority to make Provisional Orders respecting Lands under Sect. 75. of 21 & 22 Vict. s. 98.

47. The Authority conferred on One of Her Majesty's Principal Secretaries of State by Section Seventy-five of the Local Government Act, 1858, to empower by Provisional Order a Local Board to put in force, with reference to the Land referred to in such Order, the Powers of The Lands Clauses Consolidation Act, 1845, with respect to the Purchase and taking of Lands otherwise than by Agreement, shall extend and apply, and shall be deemed to have always extended and applied, to every Case in which, by The Public Health Act, 1848, and The Local Government Act, 1858, or either of them, or any Act extending or amending those Acts, or either of them, a Local Board are authorized to purchase, provide, use, or take Lands or Premises for any of the Purposes of the said Acts or either of them, or of any such Act as aforesaid; and Sections Seventy-three and Eighty-four of The Public Health Act, 1848, shall be construed as if the Words "by Agreement" therein respectively used had been expressly repealed by Section Seventy-five of The Local Government Act, 1858.

Appearance of Local Authorities in legal Proceedings.

48. Any Local Board, Sewer Authority, or Nuisance Authority may appear before any Justice or Justices, or in any legal Proceeding, by its Clerk or by any Officer or Member authorized generally or in respect of any special Proceeding by Resolution of such Board or Authority, and such Person being so authorized shall be at liberty to institute and carry on any Proceeding which the Nuisance Authority is authorized to institute and carry on under the Nuisance Removal Acts or this Act.

Mode of Proceeding where Sewer Authority has made default in providing sufficient Sewers, &c.

49. Where Complaint is made to One of Her Majesty's Principal Secretaries of State that a Sewer Authority or Local Board of Health has made default in providing its District with sufficient Sewers, or in the Maintenance of existing Sewers, or in providing its District with a Supply of Water, in Cases where Danger arises to the Health of the Inhabitants from the Insufficiency or Unwholesomeness of the existing Supply of Water, and a proper Supply can be got at a reasonable Cost, or that a Nuisance Authority has made default in enforcing the Provisions of the Nuisance Removal Acts, or that a Local Board has made default in enforcing the Provisions of the Local Government Act, the said Secretary of State, if satisfied, after due Inquiry made by him, that the Authority has been guilty of the alleged Default, shall make an Order limiting a Time for the Performance of its Duty in the Matter of such Complaint; and if such Duty is not performed by the Time limited in the Order, the said

Public Health.

said Secretary of State shall appoint some Person to perform the same, and shall by Order direct that the Expenses of performing the same, together with a reasonable Remuneration to the Person appointed for superintending such Performance, and amounting to a Sum specified in the Order, together with the Costs of the Proceedings, shall be paid by the Authority in default; and any Order made for the Payment of such Costs and Expenses may be removed into the Court of Queen's Bench, and be enforced in the same Manner as if the same were an Order of such Court.

50. All Expenses incurred by a Sewers Authority or Local Board in giving a Supply of Water to Premises under the Provisions of the Seventy-sixth Section of The Public Health Act, 1848, or the Fifty-first Section of The Local Government Act, 1858, and recoverable from the Owners of the Premises supplied, may be recovered in a summary Manner.

Recovery of certain Expenses of Water Supply.

51. All Penalties imposed by the Act of the Sixth Year of King George the Fourth, Chapter Seventy-eight, intituled *An Act to repeal the several Laws relating to Quarantine, and to make other Provisions in lieu thereof*, may be reduced by the Justices or Court having Jurisdiction in respect of such Penalties to such Sum as the Justices or Court think just.

Power to reduce Penalties imposed by 6 G. 4. c. 78.

52. Every Vessel having on Board any Person affected with a dangerous or infectious Disorder shall be deemed to be within the Provisions of the Act of the Sixth Year of King George the Fourth, Chapter Seventy-eight, although such Vessel has not commenced her Voyage, or has come from or is bound for some Place in the United Kingdom; and the Lords and others of Her Majesty's Most Honourable Privy Council, or any Three or more of them, (the Lord President of the Council or One of Her Majesty's Principal Secretaries of State being one,) may, by Order or Orders to be by them from Time to Time made, make such Rules, Orders, and Regulations as to them shall seem fit, and every such Order shall be certified under the Hand of the Clerk in Ordinary of Her Majesty's Privy Council, and shall be published in the *London Gazette*, and such Publication shall be conclusive Evidence of such Order to all Intents and Purposes; and such Order shall be binding and be carried into effect as soon as the same shall have been so published, or at such other Time as shall be fixed by such Orders, with a view to the Treatment of Persons affected with Cholera, and epidemic, endemic, and contagious Disease, and preventing the Spread of Cholera and such other Diseases, as well on the Seas, Rivers, and Waters of the United Kingdom, and on the High Seas within Three Miles of the Coasts thereof, as on Land; and to

Description of Vessels within Provisions of 6 G. 4. c. 78.

Public Health.

declare and determine by what Nuisance Authority or Authorities such Orders, Rules, and Regulations shall be enforced and executed; and any Expenses incurred by such Nuisance Authority or Authorities shall be deemed to be Expenses incurred by it or them in carrying into effect the Nuisances Removal Acts.

Periodical
Removal of
Manure in
Mews, &c.

53. Where Notice has been given by the Nuisance Authority, or their Officer or Officers, for the periodical Removal of Manure or other refuse Matter from Mews, Stables, or other Premises, (whether such Notice shall be by public Announcement in the Locality or otherwise,) and subsequent to such Notice the Person or Persons to whom the Manure or other refuse Matter belongs shall not so remove the same, or shall permit a further Accumulation, and shall not continue such periodical Removal at such Intervals as the Nuisance Authority, or their Officer or Officers, shall direct, he or they shall be liable, without further Notice, to a Penalty of Twenty Shillings *per* Day for every Day during which such Manure or other refuse Matter shall be permitted to accumulate, such Penalty to be recovered in a summary Manner: Provided always, that this Section shall not apply to any Place where the Board of Guardians or Overseers of the Poor are the Nuisance Authority.

Recovery of
Penalties.

54. Penalties under this Act, and Expenses directed to be recovered in a summary Manner, may be recovered before Two Justices in manner directed by an Act passed in the Session holden in the Eleventh and Twelfth Years of the Reign of Her Majesty Queen *Victoria*, Chapter Forty-three, intituled *An Act to facilitate the Performance of the Duties of Justices of the Peace out of Sessions within England and Wales with respect to summary Convictions and Orders*, or any Act amending the same.

Powers of
Act cumu-
lative.

55. All Powers given by this Act shall be deemed to be in addition to and not in derogation of any other Powers conferred on any Local Authority by Act of Parliament, Law, or Custom, and such Authority may exercise such other Powers in the same Manner as if this Act had not passed.

PART IV.

Application of Act to Ireland.

Modifica-
tions neces-
sary for
Application
of Part I. to
Ireland.

56. In applying the First Part of this Act to *Ireland* the following Changes shall be observed:

- (1.) The Provisions of the Sections numbered from Seventy-five to Eighty, both included, of The Public Health Act, 1848, and Sections Fifty-one, Fifty-two, and Fifty-three of The Local Government Act, 1858, and Section Twenty of The
Local

Public Health.

Local Government Act, 1858, Amendment Act, 1861, referred to in the First Part of this Act, shall for all Purposes connected with the Execution of this Act be extended to *Ireland* :

- (2.) The Sewage Utilization Act, 1865, shall be amended by substituting in *Ireland* the Sewer Authority, as defined by the First Schedule to this Act, for the Sewers Authority as defined by said Act.

57. The Nuisance Removal Acts as amended by the Second Part of this Act shall apply to *Ireland* ; provided, however, that in such Application the following Changes shall be observed :

Modifica-
tions neces-
sary for
Application
of Part II. to
Ireland.

- (1.) Sewer Authority as defined by the Sewage Utilization Act, 1865, and amended by this Act, shall in *Ireland* be the Nuisance Authority for executing the Nuisance Removal Acts :
- (2.) The Expenses of executing the Nuisance Removal Acts shall be defrayed out of the Funds herein-after provided :
- (3.) The Penalties shall be recovered in the Manner herein-after provided :
- (4.) The Expressions "Mayor, Aldermen, and Burgesses," "Council," "Borough Rate," "Borough Fund," and "Town Rate," shall in the First Schedule hereto have respectively the same Meaning as in the Acts for the Regulation of Municipal Corporations in *Ireland* :
- (5.) For the Purposes of the Twenty-second Section of the Nuisance Removal Act, 1855, the Nuisance Authority shall in *Ireland* have the Power of entering Land conferred by The Sewage Utilization Act, 1865, and shall have the same Power of levying Assessments under the said Section that they have of levying any other Rates they are authorized by Law to impose.

58. In *Ireland*, the Nuisance Authority, not being the Guardians of the Poor, shall pay all Expenses incurred by them in carrying the Nuisance Removal Acts into effect out of the Fund in the First Schedule in that Behalf mentioned, and where such Fund arises wholly or in part from Rates shall have, in addition to their existing Powers of Rating, all such Powers for making and levying any extra Rate, if necessary, respectively, as in the Case of any Rate authorized to be made under the Provisions of the respective Acts of Parliament under which the Nuisance Authorities are constituted or authorized to levy Rates ; and all Provisions of such Acts respectively shall be applicable in respect thereof ; provided that when the Rates to be assessed by such Authority are limited by Law to a certain rateable Amount, such Limitation shall not apply or extend to Expenses incurred in carrying this Act into execution ; and it shall be lawful for

How Ex-
penses to be
defrayed in
Ireland when
Nuisance
Authority
not a Board
of Guar-
dians.

Public Health.

for such Authority to assess the Expenses under this Act in addition to such limited Assessment.

When Board of Guardians is Nuisance Authority, how Expenses to be defrayed in Ireland.

59. In *Ireland*, a Nuisance Authority, being Guardians of the Poor, shall pay all Expenses incurred by them in carrying this Act into effect out of the Poor Rates of the Union, and charge the same to the Union, or any Electoral Division or Electoral Divisions thereof, in such Manner as the Poor Law Commissioners shall from Time to Time, by General Orders applicable to Classes of Cases or by Order in any particular Case, direct.

Recovery of Penalties in Ireland.

60. In *Ireland*, Penalties under this Act and Expenses or Compensation directed to be recovered in a summary Manner, and Nuisances and other Offences liable to be prosecuted summarily, shall be recovered and prosecuted in Manner directed by the Petty Sessions (*Ireland*) Act, 1851, or any Act amending the same; and all Penalties recovered by any Authority under this Act shall be paid to them respectively, and by them applied in aid of their Expenses under this Act.

Any Order authorized to be made by Justices under this Act shall be deemed to be an Order made upon a Complaint on which Justices are authorized to make Orders under the last-mentioned Act.

Modifications necessary for Application of Part III. to Ireland.

61. In applying the Provisions of Part III. of this Act to *Ireland* the following Changes shall be observed:

- (1.) Applications for Power to make Regulations as to Lodging Houses may be made by any Nuisance Authority, except a Board of Guardians, and shall be made to the Lord Lieutenant in Council, and the said Lord Lieutenant in Council shall have the Power of declaring the Enactments as to Lodging Houses in the Third Part of this Act to be in force in any Nuisance District:
- (2.) The said Lord Lieutenant in Council shall have and exercise the Power, in respect of Boards of Guardians acting together, vested in the Privy Council by the said Third Part of this Act:
- (3.) In *Ireland*, any Nuisance Authority, except a Board of Guardians, may exercise the Powers conferred on Local Boards acting in the execution of The Local Government Act, 1858, by the said Third Part of this Act:
- (4.) Sewer and Nuisance Authorities in *Ireland* shall be incorporated for the Purposes of this Act by the Names set forth in the said First Schedule hereto; and such Sewer or Nuisance Authorities may hold Lands by such Names for the Purposes of Burial Ground (*Ireland*) Act, 1856:
- (5.) The Penalties under the Third Part of this Act shall be recovered in like Manner as herein-before provided with respect to Penalties under the Second Part of this Act.

62. The

Public Health.

62. The Diseases Prevention Act, 1855, as amended by the Nuisance Removal and Disease Prevention Amendment Act, 1860, and this Act, shall extend to *Ireland*; Provided, however, that in such Application the following Changes shall be observed :

Modifica-
tions neces-
sary for
Application
of Disease
Prevention
Act to Ire-
land.

- (1.) The Lord Lieutenant in Council shall have the Power with respect to *Ireland* which the Privy Council has under such Provisions for Prevention of Disease in *England* :
- (2.) The Commissioners for administering the Laws for the Relief of the Poor in *Ireland*, herein-after called the Poor Law Commissioners, shall be the Authority in *Ireland* for issuing Regulations to carry the Provisions of said Act into effect :
- (3.) The Regulations of the Poor Law Commissioners shall be authenticated in like Manner as Orders of theirs under the Dispensary Act, 1851, Stat. 14 & 15 *Vict.* c. 68. Sect. 8. :
- (4.) In defraying the Expenses of the Prevention of Disease out of the Poor Rate of the Union under this Act the Guardians of the Poor shall charge the same to the Union or any Dispensary District or Electoral Division or Divisions thereof, in such Manner as the Poor Law Commissioners shall from Time to Time, by General Orders applicable to Classes of Cases, or by Orders in particular Cases, direct.

63. In *Ireland*, all Committees, Inspectors, Medical Officers, and other Persons appointed or employed under the Powers of Statute Fourteenth and Fifteenth *Victoria*, Chapter Sixty-eight, (the Dispensaries Act, 1851,) shall and they are hereby required within their respective Districts to aid the Local Authority, and such Officers or Persons as they shall appoint or employ, in the Superintendence and Execution of any Directions and Regulations which may at any Time be issued by the Poor Law Commissioners for the Time being under the Authority and by virtue of this Act.

Committee
and Officers
under Dis-
pensaries
Act to aid
Local Autho-
rity in exe-
cution of
this Act.

64. In *Ireland*, the Provisions of The Dispensary Act, 1851, (Statute 14 & 15 *Vict.* c. 68.,) with respect to the Duties and Appointment of Medical Inspectors, shall be incorporated with this Act, and the Prevention of Disease and Inquiry into Public Health under this Act shall be deemed One of the Purposes for which such Medical Inspectors have been or may be appointed, in like Manner as if its Provisions had been referred to in the said Act of 1851, instead of the Provisions of the said Nuisance Removal and Diseases Prevention Act of 1848.

The Pro-
visions of
14 & 15 *Vict.*
c. 68. as
to Duties
and Appoint-
ment of
Medical
Inspectors
in *Ireland*
incorporated
with this
Act.

65. In *Ireland*, whenever in compliance with any Direction or Regulation of the Poor Law Commissioners which they may be empowered to make under the Laws for the Time being as to the

Remunera-
tion to Medi-
cal Prac-
titioners for

Public Health.

Services under the Directions and Regulations of the Poor Law Commissioners in Ireland.

Public Health, any Medical Officer of a Union or Dispensary District, or any other Medical Practitioner specially employed by the Guardians for the Purpose, shall perform any extra Medical Service in any Union or Part of a Union, it shall and may be lawful for the Guardians of the Union to determine, subject to the Approval of the said Commissioners, and if they shall not approve the Amount determined by the Guardians, for the said Commissioners to fix by Order under their Seal such Remuneration, proportioned to the Nature and Extent of such Services as aforesaid, as to them shall appear just and reasonable; and the Amount of such Remuneration shall be paid to such Medical Officer or other Medical Practitioner by the Guardians of the Union out of the Rates raised for the Relief of the Poor, and shall be charged either to the Union at large, or to such Part or Parts of the Union, according to the Nature of the Case, as the said Commissioners shall in each Case direct.

Poor Law Commissioners to make Inquiries as to Public Health in Ireland.

66. The Lord Lieutenant in Council may from Time to Time direct the Poor Law Commissioners to cause to be made such Inquiries as the Lord Lieutenant in Council see fit in relation to any Matters concerning the Public Health in any Place or Places in *Ireland*, and the Poor Law Commissioners shall report the Result of such Inquiries to the Lord Lieutenant in Council.

Publication in Ireland to be made in Dublin Gazette.

67. Publication shall be made in the *Dublin Gazette* in any Case in *Ireland* where Publication in the *London Gazette* is required in *England*.

Powers in Secretary of State in England to be exercised in Ireland by the Lord Lieutenant in Council.

68. All Powers relating to the Execution of this Act in *England*, and by this Act vested in One of Her Majesty's Principal Secretaries of State, shall, with regard to the Execution of this Act in *Ireland*, in all Cases not herein-before expressly provided for, be vested in the Lord Lieutenant or other Chief Governor or Governors of *Ireland*; and all Powers relating to the Execution of this Act in *England*, and by this Act vested in the Privy Council in *England*, shall, with regard to the Execution of this Act in *Ireland*, in all Cases not herein-before expressly provided for, be vested in the Lord Lieutenant in Council in *Ireland*.

Repeal of Statutes applicable to Ireland.

69. From and after the passing of this Act, the Acts set forth in the Second Schedule hereto shall be repealed, so far as they are still in force: Provided always, that all Proceedings commenced or taken under the said Acts and not yet completed may be proceeded with under said Acts, and that all Contracts and Works undertaken by virtue of said Acts shall continue and be effective as if said Acts had not been repealed.

Public Health.

SCHEDULES.

FIRST SCHEDULE.

APPLICATION TO IRELAND.

Description of Sewers and Nuisance Authority in Ireland.	Description of Sewers and Nuisance District in Ireland.	Corporate Name, for the Purpose of suing or being sued, or holding Property, under the Provisions of this Act.	Rate or Fund out of which Expenses incurred by Sewers or Nuisance Authority under this Act to be defrayed.
The Right Honorable the Lord Mayor, Aldermen, and Burgesses, acting by the Town Council.	The City of Dublin.	The Right Honorable the Lord Mayor, Aldermen, and Burgesses of the City of Dublin.	The Borough Rate or Borough Fund.
The Mayor, Aldermen, and Burgesses, acting by the Town Council.	Towns Corporate, with Exception of Dublin.	The Mayor, Aldermen, and Burgesses of the City or Town of—	The Borough Rate or Borough Fund.
The Town Commissioners.	Towns having Town Commissioners under the Towns Improvement (Ireland) Act, 1854 (17 & 18 Vict. c. 113), or under any Local Act.	The Town Commissioners of—	Any Rate levied by the Commissioners.
The Township Commissioners.	Townships having Commissioners under Local Acts.	The Township Commissioners of—	
The Commissioners appointed by virtue of an Act made in the 9th Year of the Reign of George the Fourth, intituled "An Act to make Provision for the lighting, cleansing, and watching of Cities and Towns Corporate and Market Towns in Ireland in certain Cases."	Towns under such Commissioners.	The Lighting and Cleansing Commissioners of the Town of—	
The Municipal Commissioners.	Towns having Municipal Commissioners, under 3 & 4 Vict. c. 108.	The Municipal Commissioners of—	The Town Fund.
The Guardians of the Poor of each Union.	Such Part of each Union as is not under another Sewer or Nuisance Authority.	The Guardians of the Poor of the — Union.	The Poor Rate Union.

Public Health.

SECOND SCHEDULE.

Statutes repealed.

Local Boards of Health Act for Ireland, 1818 ; Statute 58 Geo. 3.
c. 47. ss. 10 to 15 inclusive.

Officers of Health Act for Ireland, 1819 ; Statute 59 Geo. 3.
c. 41.

Nuisance Removal and Disease Prevention Act, 1848.

Nuisance Removal and Disease Prevention Act, 1849.

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ANNO TRICESIMO & TRICESIMO PRIMO

VICTORIÆ REGINÆ.

C A P. CXIII.

An Act for facilitating the Distribution of Sewage Matter over Land, and otherwise amending the Law relating to Sewer Authorities.

[20th August 1867.]

WHEREAS the Governing Bodies of Cities, Towns, and other Places are required by divers Acts of Parliament effectually to drain their Districts: And whereas it is expedient to give further Facilities for the Distribution for Agricultural Purposes of Sewage Matter over Land, and otherwise to amend the Law relating to Sewer Authorities:

Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preliminary.

1. This Act may be cited for all Purposes as The Sewage Utilization Act, 1867. Short Title.

2. The Expression "Sewer Authority" shall in this Act have the same Meaning as in The Sewage Utilization Act, 1865, and in addition Definition of Sewer Authority.

Sewage.

addition shall include a Local Board, and shall in this Act and the said Sewage Utilization Act, 1865, include any Collegiate or other Corporate Body required or authorized by or in pursuance of any Act of Parliament to divert its Sewers or Drains from any River or to construct new Sewers, and any Public Department of the Government; and any Person appointed by the Secretary of State in pursuance of the Forty-ninth Section of the Sanitary Act, 1866, to perform the Duty of a Sewer Authority or Local Board that has been guilty of a Default as therein mentioned, shall, in the Performance of such Duty and for the Purposes thereof, be invested with all the Powers of the Sewer Authority or Local Board in default, except the Power of levying Rates.

Powers for Distribution of Sewage.

Sewer Authority may exercise without their District Powers in relation to Distribution of Sewage.

3. A Sewer Authority may, without their District, provide any Works and do any Act for the Purpose of receiving, storing, disinfecting, or distributing Sewage which they may provide or do within their District, subject to the Conditions to which they would be subject in providing such Works or doing such Acts within their District, and to the Conditions imposed on Local Boards in carrying into effect the Fourth Section of The Local Government Act (1858) Amendment Act, 1861.

Sewer Authority may purchase Land for Distribution of Sewage in pursuance of Sect. 75 of Local Government Act, 21 & 22 Vict. c. 98.

4. A Sewer Authority for the Purpose of receiving, storing, disinfecting, and distributing Sewage, and of the Construction of any Works for receiving, storing, disinfecting, or distributing Sewage, and of the Construction of any Sewer or Drain, or for any of the above Purposes, may purchase or take on Lease any Lands either within or without their District, and shall for carrying into effect any such Purchase have all the Powers of taking Land conferred by the Seventy-fifth Section of The Local Government Act, 1858, as amended by this Act.

Power for Sewer Authority to deal with Land appropriated to Sewage Purposes.

5. A Sewer Authority may deal with any Land held by them for the Purpose of receiving, storing, disinfecting, or distributing Sewage in such Manner as they deem most profitable, either by leasing the same for a Period not exceeding Seven Years for Agricultural Purposes, or by contracting with some Person to take the whole or a Part of the Produce of such Land, or by farming such Land and disposing of the Produce thereof; subject to this Restriction, that in any Appropriation which may be made of Land held by a Sewer Authority for the above Purposes, Care shall be taken that Provision be made for receiving, storing, disinfecting, or distributing all the Sewage which it is the Duty of the Sewer Authority to cause to be disposed of in that Manner.

Special

*Sewage.**Special Drainage District.*

6. There shall be repealed so much of the Second Section of "The Sewage Utilization Act, 1865," as provides that "this Act shall not, with the Exception of Clause Fifteen, extend to any Parish as defined in the Schedule to this Act, in a Part of which Parish The Public Health Act, 1848, and The Local Government Act, 1858, or One of such Acts, is in force at the Time of the passing of this Act."

Repeal of Part of Sect. 2 of 28 & 29 Vict. c. 75., excluding from Act Parish partly under Local Government Act.

7. Where Part of a Parish as defined in the Schedule to The Sewage Utilization Act, 1865, as amended by this Act, is at the Time of the passing of this Act subject to the Jurisdiction of a Local Board in pursuance of the Local Government Act, 1858, the Portion of such Parish which is not subject to the Jurisdiction of any Local Board shall for the Purposes of The Sewage Utilization Act, 1865, and of this Act, be deemed to be by this Act constituted a Special Drainage District, unless the Secretary of State, upon Petition presented to him in manner provided by the Sixth Section of The Sanitary Act, 1866, within Three Months after the passing of this Act, otherwise directs.

Where Part of Parish is at Time of passing of this Act under 21 & 22 Vict. c. 98., the other Part constituted a Special Drainage District.

It shall not be necessary in the Case of Part of a Parish which is by this Section constituted a Special Drainage District, to give the Notices required by Section Seven of The Sanitary Act, 1866.

8. Any inhabited Place not having a known or defined Boundary may petition One of Her Majesty's Principal Secretaries of State in manner provided in the Sixteenth Section of the Local Government Act 1858, to settle its Boundaries for the Purposes of The Sewage Utilization Act, 1865, and of this Act, and the Secretary of State may, by Order made in manner provided by the said Section, settle the same accordingly, and from and after the Date of such Order the Place shall be deemed to have been constituted a Special Drainage District for the Purposes of the said Sewage Utilization Act, 1865, and of this Act.

Power of undefined inhabited Place to apply to be constituted a Special Drainage District

A Copy of the Order of the Secretary of State shall be published in manner provided by the Seventh Section of The Sanitary Act, 1866, and that Section shall be construed in reference to a Special Drainage District formed under this Section as if the Order of the said Secretary of State were substituted for "Resolution of a Sewer Authority."

9. No Petition of Appeal shall be presented to the Secretary of State in pursuance of the Sixth Section of The Sanitary Act, 1866, except within Three Months after the Date of the Resolution forming the District, and the said Section shall be read as if after the

Time for Appeal against Special Drainage District.

Sewage.

the Words "Petition in Writing under their Hands" there were inserted the Words "presented within Three Months after the Date" of the Resolution forming the District."

Union of Districts.

Constitution
of Joint
Sewerage
District.

10. Where it appears to the Sewer Authority of any District that it would be for the Advantage of such District, and of any District or Districts adjoining or lying within the same Drainage Area, or otherwise conveniently situate, that all such Districts should be formed into a United District for the Purposes of The Sewage Utilization Act, 1865, and of this Act, or for any of such Purposes, such Sewer Authority may, with the Consent of the Sewer Authority of every District affected, apply to One of Her Majesty's Principal Secretaries of State for an Order forming such Districts into One District, herein-after referred to as a United District, and the Secretary of State, if satisfied of the Expediency of such Union of Districts, may make an Order accordingly.

Advertise-
ment of In-
tention to
form United
District.

11. The Intention of a Sewer Authority to apply to One of Her Majesty's Principal Secretaries of State for an Order forming a United District shall be advertised in some Newspaper circulating within the Area of such proposed United District once at least in each of the Three Weeks before such Application is made.

Constitution
of Joint
Sewerage
Board.

12. A United District shall be subject to the Jurisdiction of a Joint Sewerage Board consisting of Members elected by each of the Sewer Authorities of the component Districts in such Manner as may be determined by the said Secretary of State, and such Board shall be a Body Corporate, with perpetual Succession and a Common Seal, having a Capacity to acquire and hold Lands for all the Purposes of The Sewage Utilization Act, 1865, and of this Act, or for any of such Purposes.

The First Meeting of a Joint Sewerage Board shall be held in such Manner and at such Time as may be determined by the said Secretary of State, and "the Rules as to Proceedings of Drainage Boards" contained in the Second Part of the Schedule annexed to The Land Drainage Act, 1861, shall apply to a Joint Sewerage Board constituted under this Act.

Powers of
Joint Sewer
age Board.

13. A Joint Sewerage Board shall, in the United District, have all the same Powers, except the Power of levying a Rate, and be subject to the same Obligations, so far as relate to the Purposes of its Constitution, as if it were the only Sewer Authority of that District
subject

Sewage.

subject to this Proviso, that the said Joint Board may delegate to any Sewer Authority of a component District such Powers of Superintendence or otherwise within its own District as such Joint Board think fit.

14. Any Expenses incurred by a Joint Sewerage Board in pursuance of this Act shall be defrayed out of a Common Fund to be contributed by the component Districts in proportion to the rateable Value of each District, or in such other Proportion as the said Secretary of State may, with the Consent of the Sewer Authority of each component District, by Order determine.

Expenses of
Joint Sewer-
age Board
how de-
frayed.

The rateable Value of a District shall be deemed to be the Value on which any such Rate would be assessed as would, if such District were not in union, be applicable by the Sewer Authority of that District to the Payment of any Expenses legally incurred by that Authority, and the Amount of Contribution shall be paid out of such last-mentioned Rate, and the Sewer Authority of each component District shall levy the same accordingly.

Contribution to Works under Contracts.

15. Where a Sewer Authority, or any Corporate or other Body, under any Power enabling them in that Behalf, or by any Agreement confirmed by Parliament, has agreed or hereafter agrees with any Person or Persons or Body of Persons, corporate or unincorporate, as to the Supply of all or any of the Sewage of any Place, and the Works to be made for the Purpose of that Supply, they may contribute to the Expense of carrying into execution by such Person or Persons or Body of Persons all or any of the Purposes of such Agreement, and may become Shareholders in any Company with which any Agreement in relation to the Matters aforesaid has been or may hereafter be entered into by such Sewer Authority or Corporate or other Body, or to or in which the Benefits and Obligations of such Agreement may have been or may be transferred or vested; and all Expenditure in consequence of the Exercise of the Power hereby conferred shall be deemed to have been incurred by such Sewer Authority or Corporate or other Body in the Construction or due Maintenance of the necessary Sewers for carrying away the said Sewage, and shall be provided for accordingly.

Sewer Au-
thority, &c.
may contri-
bute to
Works under
Contracts
relating to
Supply of
Sewage.

Amendment of Acts.

16. "Parish" in the Schedule to The Sewage Utilization Act, 1865, shall include any Township or other Place in which a separate Rate is levied for the Relief of the Poor, and "Sewer Authority" in the Thirty-seventh Section of The Sanitary Act, 1866, shall include a Local Board.

Amendment
of Defini-
tions.

Sewage.

In Parishes
a separate
Rate to be
levied for
Sewage
Purposes.

17. Where the Sewer Authority of a District is a Vestry, Select Vestry, or other Body of Persons acting by virtue of any Act of Parliament, Prescription, Custom, or otherwise, as or instead of a Vestry or Select Vestry, such Authority shall for the Purpose of defraying any Expenses incurred in carrying into effect The Sewage Utilization Act, 1865, or this Act, issue their Precept to the Overseers of the Parish of which they are the Authority, requiring such Overseers to pay over the Amount specified in such Precept to the Sewer Authority, or to their Officer named in the Precept, or into some Bank mentioned in such Precept.

The Overseers shall comply with the Requisitions of such Precept by levying a separate Rate in the same Manner as if it were a Rate for the Relief of the Poor, with this Exception, that the Owner of any Tithes or of any Tithe Commutation Rentcharge, or the Occupier of any Land used as Arable, Meadow, or Pasture Ground only, or as Woodlands, Market Gardens, or Nursery Grounds, and the Occupier of any Land covered with Water, or used only as a Canal or Towing-path for the same, or as a Railway constructed under the Powers of any Act of Parliament for public Conveyance, shall, where a special Assessment is made for the Purpose of such Rate, be assessed in respect of such Property in the Proportion of One Fourth Part only of the rateable Value thereof; or, where no special Assessment is made, shall pay in respect of the said Property One Fourth Part only of the Rate in the Pound payable in respect of Houses and other Property.

A separate Rate under this Act shall, as respects the Powers of the Overseers in relation to making, assessing, and levying such Rate, and as respects the Appeal against the same, and all other Incidents thereof except the Purposes to which it is applicable, be deemed to be a Rate levied for the Relief of the Poor.

The Expression "Overseers" shall include any Officer authorized to levy a Rate in a Special Drainage District, and any Person or Body of Persons authorized or required to levy Rates for the Relief of the Poor,

Penalty on
Nonpayment
of Rates by
Overseers.

18. In case the Amount ordered by any Precept of a Sewer Authority to be paid by the Overseers of any Parish be not paid in manner directed by such Precept and within the Time therein specified for that Purpose, it shall be lawful for any Justice of the Peace, upon the Complaint by the Sewer Authority or by any Person authorized by the Sewer Authority, to issue his Warrant for levying the Amount or so much thereof as may be in arrear by Distress and Sale of the Goods of all or any of the said Overseers; and in case the Goods of all the Overseers be not sufficient to pay the same, the Arrears thereof shall be added to the Amount of the
next

Sewage.

next Levy which is directed to be made in such Parish for the Purposes of The Sewage Utilization Act, 1865, or this Act, and shall be collected by the like Methods.

Saving Clause.

19. All Powers given by this Act shall be deemed to be in addition to and not in derogation of any other Powers conferred on any Authority by Act of Parliament, Law, or Custom, and such other Powers may be exercised in the same Manner as if this Act had not passed.

Powers of
Act to be
in addition
and not in
derogation
of other
Powers.

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ANNO TRICESIMO & TRICESIMO PRIMO

VICTORIÆ REGINÆ.

C A P. CXLVI.

An Act for regulating the Hours of Labour for Children, Young Persons, and Women employed in Workshops ; and for other Purposes relating thereto. [21st August 1867.]

WHEREAS by The Factory Acts Extension Act, 1867, 30 & 31 Vict. c. 103. Provision is made, amongst other things, for regulating the Hours during which Children, Young Persons, and Women are permitted to labour in any manufacturing Process conducted in an Establishment where Fifty or more Persons are employed :

And whereas it is expedient to extend Protection so far as respects the Regulation of the Hours of Labour to Children, Young Persons, and Women working in smaller Establishments, and further to make Provision respecting the Employment of a Fan or other mechanical Means for the Prevention of the Inhalation of Dust by Workmen in Processes of Grinding :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

1. This Act may be cited for all Purposes as "The Workshop Regulation Act, 1867." Short Title.

*Hours of Labour Regulation.*Extent of
Act.**2.** This Act shall apply to the whole of the United Kingdom.Commence-
ment of Act.**3.** This Act shall come into operation on the First of *January* One thousand eight hundred and sixty-eight.General
Definitions.**4.** The following Words and Expressions shall in this Act have the Meanings hereby assigned to them, unless there is something in the Context inconsistent with such Meanings ; that is to say,

“ Child ” shall mean a Child under the Age of Thirteen Years :

“ Young Person ” shall mean a Person of the Age of Thirteen Years and under the Age of Eighteen Years :

“ Woman ” shall mean a Female of the Age of Eighteen Years or upwards :

“ Parent ” shall mean Parent, Guardian, or Person having the Custody of or Control over any such Child or Young Person :

“ Employed ” shall mean occupied in any Handicraft, whether for Wages or not, under a Master or under a Parent as herein defined :

“ Handicraft ” shall mean any Manual Labour exercised by way of Trade or for Purposes of Gain in or incidental to the making any Article or Part of an Article, or in or incidental to the altering, repairing, ornamenting, finishing, or otherwise adapting for Sale any Article :

“ Workshop ” shall mean any Room or Place whatever, whether in the open Air or under Cover, in which any Handicraft is carried on by any Child, Young Person, or Woman, and to which and over which the Person by whom such Child, Young Person, or Woman is employed has the Right of Access and Control :

“ The Court ” shall include any Justice or Justices, Sheriff or Sheriff Substitute, Magistrate or Magistrates, to whom Jurisdiction is given by this Act.

Application
of Act.**5.** This Act shall not apply,

(1.) To any Factory or Part of a Factory, or other Place subject to the Jurisdiction of the Inspectors of Factories, in pursuance of any Act of Parliament already passed or which shall be passed during this present Session of Parliament :

(2.) To any Bakehouse as defined by “ The Bakehouse Regulation Act, 1863.”

Regulations
as to Time
of Labour.**6.** Subject to the Exceptions mentioned in the First Schedule annexed hereto, the following Regulations shall be observed with respect to the Employment of Children, Young Persons, and Women in Workshops ;

(1.) No

Hours of Labour Regulation.

- (1.) No Child under the Age of Eight Years shall be employed in any Handicraft :
- (2.) No Child shall be employed on any One Day in any Handicraft for a Period of more than Six and a Half Hours, and such Employment shall take place between the Hours of Six in the Morning and Eight at Night :
- (3.) No Young Person or Woman shall be employed in any Handicraft during any Period of Twenty-four Hours for more than Twelve Hours, with intervening Periods for taking Meals and Rest amounting in the whole to not less than One Hour and a Half, and such Employment shall take place only between the Hours of Five in the Morning and Nine at Night :
- (4.) No Child, Young Person, or Woman shall be employed in any Handicraft on *Sunday*, or after Two o'Clock on *Saturday* Afternoon, except in Cases where not more than Five Persons are employed in the same Establishment, and where such Employment consists in making Articles to be sold by Retail on the Premises, or in repairing Articles of a like Nature to those sold by Retail on the Premises :
- (5.) No Child under the Age of Eleven Years shall be employed in grinding in the Metal Trades or in Fustian Cutting.

7. If any Child, Young Person, or Woman is employed in contravention of this Act the following Consequences shall ensue :

First, the Occupier of the Workshop in which such Child, Young Person, or Woman is employed shall be liable to a Penalty of not more than Three Pounds :

Second, the Parent of or the Person deriving any direct Benefit from the Labour of or having the Control over the Child, Young Person, or Woman shall be liable to a Penalty of not more than Twenty Shillings, unless it appears to the Court before whom the Complaint is heard that the Offence has been committed without the Consent, Connivance, or wilful Default of the Parent or Person so benefited or having such Control.

Penalty for Employment of Children, Young Persons, and Women contrary to the Provisions of this Act.

8. In every Workshop where grinding, glazing, or polishing on a Wheel, or any other Process is carried on, by which Dust is generated and inhaled by the Workmen to an injurious Extent, if it appears to the Local Authority or to any Inspector of Factories that such Inhalation could be to a great Extent prevented by the Use of a Fan or other mechanical Means, it shall be lawful for the Local Authority or for the Inspector of Factories, by Notice served on the Occupier of the Workshop in the Manner in which

Provision with respect to Use of Fan in grinding.

Notices.

Hours of Labour Regulation.

Notices given by such Local Authority or by the Inspector of Factories are usually served, to require a Fan or such mechanical Means as may from Time to Time be approved by One of Her Majesty's Principal Secretaries of State, under the Provisions of the Factory Acts, to be provided by the Occupier of the Workshop within a reasonable Time.

If the Occupier of any Workshop fails to provide a Fan or other mechanical Means in compliance with a Notice served on him in manner aforesaid he shall be deemed to be guilty of an Offence against this Act, and to be subject in respect of such Offence to a Penalty not exceeding Ten Pounds nor less than Three Pounds.

The Court having Jurisdiction to inflict any Penalty under this Act may, in addition to or instead of inflicting such Penalty in respect of an Offence under this Section, make an Order directing that within a certain Time to be named in such Order he do provide such Fan or other mechanical Means: The Court may upon Application enlarge any Time appointed for the Adoption of the Means directed by the Order, but any Non-compliance with the Order of the Court shall, after the Expiration of the Time as originally limited or enlarged by subsequent Order, be deemed to be a continuing Offence, and to be punishable by a Penalty not exceeding One Pound for every Day that such Non-compliance continues.

Power to
Officers
appointed by
Local Au-
thority, &c.
to enter
Workshops.

9. If on the Complaint of any Officer of Health, Inspector of Nuisances, or other Officer appointed by a Local Authority, or of any Superintendent of Police, it appears to any Justice of the Peace that there is reasonable Cause for believing that any of the Provisions of this Act or of the Sanitary Act, 1866, are contravened in any Workshop, it shall be lawful for such Justice, by Order under his Hand, to empower the Complainant to enter into such Workshop at any Time within Forty-eight Hours from the Date of such Order, and to examine such Workshop; and any Person so empowered may examine, touching any Matter within the Provisions of this Act or of the Sanitary Act, 1866, so far as relates to such Workshop, any Person whom he finds in such Workshop.

Penalty on
Persons
refusing
Admission.

Any Person refusing Admission to any Person so empowered, or obstructing him in the Discharge of his Duty, shall for each Offence incur a Penalty not exceeding Twenty Pounds.

Power to
Inspector or
Sub-In-
spectors of
Factories to
enter Work-
shops and

10. Any Inspector or Sub-Inspector of Factories may, when any Person is at work at any Handicraft, enter any Workshop and inspect the Condition thereof, and examine, touching any Matter within the Provisions of this Act or of the Sanitary Act, 1866, so far as relates to such Workshop, the Persons therein, provided that he

Hours of Labour Regulation.

he report to One of Her Majesty's Principal Secretaries of State the Fact of such Entry, and the Condition of the Workshop, in his next half-yearly Report. inspect
Condition
thereof.

Any Person obstructing any Inspector or Sub-Inspector in making such Entry as aforesaid, or in his Inspection of a Workshop, shall for each Offence be liable to a Penalty not exceeding Twenty Pounds. Penalty on
obstructing
Inspector,
&c.

11. Where in any Workshop the Owner or Hirer of any Machine or Implement moved by Steam, Water, or other mechanical Power, in or about or in connexion with which Machine or Implement Children, Young Persons, or Women are employed, is some Person other than the Occupier of the Workshop, and such Children, Young Persons, or Women are in the Employment and Pay of the Owner or Hirer of such Machine or Implement, in any such Case such Owner or Hirer shall, so far as respects any Offence against this Act which may be committed in relation to such Children, Young Persons, or Women, be deemed to be the Occupier of the Workshop. Liability of
Hirer of
Machine
instead of
Occupier.

12. All Penalties under this Act may be recovered summarily, as to *England* before Two or more Justices in manner directed by an Act passed in the Session holden in the Eleventh and Twelfth Years of the Reign of Her Majesty Queen *Victoria*, Chapter Forty-three, intituled *An Act to facilitate the Performance of the Duties of Justices of the Peace out of Sessions within England and Wales with respect to summary Convictions and Orders*, or any Act amending the same; as to *Scotland* in manner directed by "The Summary Procedure Act, 1864;" as to *Ireland* in manner directed by the Act passed in the Session holden in the Fourteenth and Fifteenth Years of the Reign of Her Majesty Queen *Victoria*, Chapter Ninety-three, intituled *An Act to consolidate and amend the Acts regulating the Proceedings of Petty Sessions and the Duties of Justices of the Peace out of Quarter Sessions in Ireland*, or any Act amending the same. Recovery
and Appli-
cation of
Penalties.

11 & 12 Vict.
c. 43.

14 & 15 Vict.
c. 93.

The Court imposing any Penalty under this Act may direct the whole or any Part thereof to be applied in or towards the Payment of such Costs of the Proceedings as the Court thinks just (including Compensation for Loss of Time to the Person upon whose Information such Penalty was recovered), and, subject as aforesaid, all Penalties shall be applied in the Manner directed by the Acts referred to in this Section.

13. For the Purposes of this Act, in the several Places mentioned in the First Column of the Second Schedule hereto annexed the Description
of Local
Authority.

Hours of Labour Regulation.

Local Authority shall be the Bodies of Persons or Persons in that Behalf specified in the Second Column of the same Schedule, and such Schedule, with the Explanation annexed thereto, shall be deemed to be Part of this Act.

Regulations
for Atten-
dance at
School of
Children
employed in
Workshops.

14. The following Regulations shall be made (subject to the Provisions herein-after mentioned) respecting the Education of Children employed in Workshops :

- (1.) Every Child who is employed in a Workshop shall attend School for at least Ten Hours in every Week during the whole of which he is so employed :
- (2.) In computing for the Purpose of this Section the Time during which a Child has attended School there shall not be included any Time during which such Child has attended either
 - (a) In Excess of Three Hours at any One Time, or in Excess of Five Hours on any One Day ; or
 - (b) On *Sundays* : or
 - (c) Before Eight o'Clock in the Morning, or after Six o'Clock in the Evening :

Provided, that the Non-attendance of any Child at School shall be excused—

- (1.) For any Time during which he is certified by the principal Teacher of the School to have been prevented from Attendance by Sickness or other unavoidable Cause :
- (2.) For any Time during which the School is closed for the customary Holidays, or for some other temporary Cause :
- (3.) For any Time during which there is no School which the Child can attend within One Mile (measured according to the nearest Road) from the Workshop or the Residence of such Child.

Parents
to cause
Children
to attend
School.

15. The Parent of every Child employed in a Workshop shall cause that Child to attend School in manner required by this Act.

Every Parent who wilfully fails to act in conformity with this Section shall be liable to a Penalty of not more than Twenty Shillings for each Offence.

Occupiers of
Workshops
shall obtain
Certificates
of Atten-
dance of
Children
at School.

16. Every Occupier of a Workshop who has employed a Child for any Time amounting in the whole to not less than Fourteen Days shall on *Monday* in every Week during the Employment of such Child obtain from the principal Teacher of some School a Certificate that the Child so employed has, in manner required by this Act, attended School during the preceding Week, if Attendance at School was so required during that Week.

The

Hours of Labour Regulation.

The Certificate may be in the Form contained in the Third Schedule hereto, or in such other Form as One of Her Majesty's Principal Secretaries of State may from Time to Time prescribe.

The Employer shall keep the said Certificate for One Month, and shall produce the same to any Inspector or Sub-Inspector of Factories whenever required by him during that Period.

Every Person who acts in contravention of this Section shall be liable to a Penalty of not more than Three Pounds.

17. The principal Teacher of a School which is attended by any Child employed in a Workshop may apply in Writing to the Occupier of such Workshop to pay such Sum as herein-after mentioned on account of any Child in respect of whom he may have duly granted a Certificate in pursuance of this Act, and after the Date of such Application the Occupier, so long as he employs the Child, shall pay to the principal Teacher of the said School for every Week that the Child attends that School the weekly Sum specified in the Application, not exceeding Twopence *per* Week, and not exceeding One Twelfth Part of the Wages of the Child. The Occupier may deduct the Sum so paid by him from the Wages payable for the Services of such Child.

On Application of Teacher, Occupier to pay Sum for Schooling of Child, and deduct it from Wages.

Any Occupier who, after such Application, refuses to pay on Demand any Sum that may become due as aforesaid, shall be liable to a Penalty not exceeding Ten Shillings.

If an Inspector of Factories is satisfied, by Inspection of a School or otherwise, that the principal Teacher of a School who grants Certificates of School Attendance required under this Act ought to be disqualified for granting such Certificates for any of the following Reasons, namely,

Inspector may disqualify for granting Certificates any Teacher who is unfit,

1. Because he is unfit to instruct Children by reason either of his Ignorance or Neglect, or of his not having the necessary Books and Materials;
2. Because of his immoral Conduct;
3. Because of his continued Neglect to fill up proper Certificates of School Attendance,

in any such Case he may serve on the Teacher a written Notice stating the Reason for such Disqualification. At the Expiration of Two Weeks from the Date of such Notice the Teacher shall, subject to the Appeal herein-after mentioned, be disqualified for granting Certificates.

The Inspector shall, so far as he can, serve on every Occupier of a Workshop who obtains Certificates from such Teacher a Notice to the like Effect as the Notice served on the Teacher, and also specifying a School which the Child employed in the Workshop
of

Hours of Labour Regulation.

of such Occupier can attend within One Mile (measured according to the nearest Road) from the Workshop or the Residence of the Child.

Any Teacher who is disqualified as aforesaid, and any Occupier of a Workshop who obtains Certificates from him, may, within Three Weeks after the Service of the Notice on the Teacher, appeal therefrom to One of Her Majesty's Principal Secretaries of State, who may confirm or reverse such Disqualification.

After a Teacher is disqualified for granting Certificates no Certificate given by him shall be deemed to be a Certificate in compliance with this Act, unless in the Case of there being no other School which the Child employed in a Workshop can attend within One Mile (measured according to the nearest Road) from the Workshop or the Residence of such Child, or unless with the written Consent of an Inspector of Factories.

The Inspectors of Factories shall in their Reports to One of Her Majesty's Principal Secretaries of State report the Name of every Teacher disqualified under this Section during the preceding Six Months, the Name of the School at which he taught, and the Reason for the Disqualification; and, in the Case of such Teacher's continued Neglect to fill up proper Certificates, shall report the Fact of such Neglect to the Committee of Council on Education, if such Teacher be employed in any School in receipt of annual Grants made by the Committee of Council on Education.

Penalty for
forging, &c.
Certificate.

Every Person who forges or counterfeits any Certificate required by this Act, or gives or signs any such Certificate falsely, or wilfully makes use of any forged, counterfeited, or false Certificates, or aids in or connives at any of the foregoing Offences, shall be guilty of a Misdemeanor, and be liable to be imprisoned for any Period not exceeding Three Months, with or without Hard Labour.

Local Au-
thority to
enforce Act.

18. It shall be the Duty of the Local Authority to enforce within their Jurisdictions the Provisions of this Act, so far as relates to any Powers or Authorities conferred on the Local Authority by this Act, and all Expenses incurred by them in enforcing the same may be defrayed out of any Funds in their Hands, or any Rates leviable by them and applicable to any Purpose relating to the Improvement, paving, cleansing, or Management of the Places within their Jurisdiction, or, in Cases where the Local Authority is in the Receipt of any Poor Rate, out of any such Rate.

Provision as
to pleading
that Work-
shop is a
Factory.

19. Where any Proceedings are taken against any Person in respect of any Offence under this Act committed in or relating to a Workshop, it shall not be competent for the Defendant to prove that

Hours of Labour Regulation.

that such Workshop is a Factory within the Meaning of any Act for regulating Factories unless he has previously given Notice of its being a Factory to the Inspector of Factories in manner required by any Act of Parliament in that Behalf.

20. Every Inspector or Sub-Inspector of Factories shall be furnished with such Certificate of his Appointment as the Secretary of State may direct ; and on applying for Admission to any Workshop, such Inspector or Sub-Inspector shall, if required, produce to the Occupier the said Certificate ; every Person who forges or counterfeits any such Certificate, or makes use of any forged, counterfeited, or false Certificate, or falsely pretends to be an Inspector or Sub-Inspector of Factories, shall be guilty of a Misdemeanor, and be liable to be imprisoned for any Period not exceeding Three Months, with or without Hard Labour.

Inspector or
Sub-Inspector
to be furnished
with
Certificate of
his Appointment.

Hours of Labour Regulation.

FIRST SCHEDULE referred to in the foregoing Act.

TEMPORARY EXCEPTIONS.

1. During the first Six Calendar Months next ensuing the Day on which this Act is limited to come into operation, herein-after referred to as the Commencement of this Act, Children of not less than Eleven Years of Age may be employed for the same Time, and subject to the same Conditions, for and subject to which Young Persons may be employed under this Act:

2. During the first Thirty Calendar Months next ensuing the Commencement of this Act, Children of not less than Twelve Years of Age may be employed for the same Time, and subject to the same Conditions, for and subject to which Young Persons may be employed under this Act:

3. During the first Twelve Calendar Months next ensuing the Commencement of this Act, Children, Young Persons, and Women may be employed on Saturdays until Half-past Four o'Clock in the Afternoon:

4. During the first Thirty Calendar Months next ensuing the Commencement of this Act, Children, Young Persons, and Women may be employed in the Manufacture of Preserves from Fruit in the same Manner as they were employed therein before the passing of this Act.

5. During the First Thirty Calendar Months next ensuing the Commencement of this Act, Male Young Persons of not less than Sixteen Years of Age may be employed in any Workshop where the Manufacture of Machinery is carried on in the same Manner as if they were Male Persons exceeding the Age of Eighteen Years.

PERMANENT EXCEPTIONS.

6. Whereas the Customs or Exigencies of certain Trades require that Male Young Persons of the Age of Sixteen Years and upwards should be occasionally employed beyond the Hours allowed by this Act; it shall be lawful for One of Her Majesty's Principal Secretaries of State, on due Proof to his Satisfaction that such Customs or Exigencies exist, and that such occasional Employment is not injurious to the Health of such Male Young Persons, from Time to Time, by Order, to be advertised in the London Gazette, or otherwise published in such Manner as he may think fit, to give Permission that in the Case of any particular Workshop or Class of Workshops Male Young Persons of Sixteen Years of Age and upwards may be employed for a Period not exceeding Fifteen Hours on any One Day:

Provided that—

1st. They are not so employed except between the Hours of Six in the Morning and Nine in the Evening.

2d. In addition to the Time allowed under this Act for Meals, they shall be allowed Half an Hour for a Meal after the Hour of Five in the Evening.

3d. They are not so employed for more than Twelve Days in any Period of Four Weeks, nor on the whole for more than Seventy-two Days in any Period of Twelve Months.

7. In

Hours of Labour Regulation.

7. In any Workshop in which the mechanical Power is Water, and in any Workshop or Class of Workshops with respect to which One of Her Majesty's Principal Secretaries of State certifies by Order under his Hand that it has been proved to his Satisfaction that by reason of the Nature of the Business it is necessary to carry on the same throughout the Night, it shall be lawful to employ Male Young Persons during the Night, subject to the same Intervals of Rest which they are allowed during the Day, and subject to this Provision, that no Male Young Person employed during the Night shall be employed during either the preceding or succeeding Day, and that no Male Young Person shall be employed more than Six Nights in any Fortnight.

For the Purposes of the last-mentioned Provision, Night shall mean any Time between Six o'Clock in the Afternoon of One Day and Six o'Clock of the Morning of the following Day.

8. So much of this Act as forbids the Employment of Young Persons and Women on any Saturday after Two o'Clock of the Afternoon shall not apply to Male Young Persons employed in Day and Night Turns, changing every alternate Week, nor in any Week to any Woman or Young Person whose Hours of actual Work have not in any Day in such Week exceeded Eight.

9. The said Secretary of State, on Proof to his Satisfaction that the Customs or Exigencies of Trade, or any other special Circumstances, require the Alteration to be made, may, by Order to be advertised in the London Gazette, or otherwise published in such Manner as the Secretary of State may think fit, give Permission, with respect to any particular Workshop or Class of Workshops, for all or any of the following Things; namely,—

- (1.) That Children, Young Persons, or Women may be employed between Two and Eight o'Clock in the Afternoon on Saturday, provided that in any such Workshop or Workshops Arrangements are made to the Satisfaction of the said Secretary of State for giving on some Work-day in every Week to every Child, Young Person, or Woman employed a Half Holiday of equal Length either at the Beginning or at the End of their Day's Work; or,
- (2.) That in any Workshop in which it is proved to his Satisfaction that Work does not commence before the Hours of Seven or Eight in the Morning, Children, Young Persons, and Women may be employed on Saturday, or on any other Day on which the weekly Half Holiday is given, from the Hours of Seven in the Morning to Three in the Afternoon, or from Eight in the Morning to Four in the Afternoon. Subject to the usual Hours for Meals.
- (3.) That Male Young Persons of not less than Sixteen Years of Age may be employed in the same Manner as if they were Male Persons exceeding the Age of Eighteen.

10. Where the Occupier of any Workshop is a Person of the Jewish Religion, and it is his Custom to keep such Workshop closed on Saturday until Sunset, it shall be lawful for him to employ Young Persons or Women on that Day from after Sunset until Nine o'Clock at Night.

Hours of Labour Regulation.

SECOND SCHEDULE referred to in the preceding Act.

COLUMN (1).	COLUMN (2).
Places within Jurisdiction of Local Authority.	Description of Local Authority.

ENGLAND AND WALES.

The City of London and the Liberties thereof.	Commissioners of Sewers of the City of London.
Parishes within the Metropolis mentioned in Schedule (A.) to The Metropolis Management Act, 1855.	The Vestries incorporated by The Metropolis Management Act, 1855.
Districts within the Metropolis formed by the Union of the Parishes mentioned in Schedule (B.) to The Metropolis Management Act, 1855.	The Board of Works for the District incorporated by the Metropolis Management Act, 1855.
Boroughs, excepting Oxford.	The Mayor, Aldermen, and Burgesses, acting by the Council.
The Borough of Oxford and any Place not included in the above Descriptions, and within the Jurisdiction of a Local Board constituted in pursuance of the Public Health Act, 1848, and the Local Government Act, 1858, or One of such Acts.	The Local Board.
Any Place not included in the above Descriptions, and under the Jurisdiction of Commissioners, Trustees, or other Persons entrusted by any Local Act with Powers of improving, cleansing, or paving any Town.	The Commissioners, Trustees, or other Persons entrusted by the Local Act with Powers of improving, cleansing, or paving the Town.
Any Parish not within the Jurisdiction of any Local Authority herein-before mentioned, and in which a separate Rate is or can be levied for the Maintenance of the Poor.	The Vestry, Select Vestry, or other Body of Persons acting by virtue of any Act of Parliament, Prescription, Custom, or otherwise, as or instead of a Vestry or Select Vestry.

SCOTLAND.

Burghs - - - -	The Magistrates and Town Council.
Places where Police Commissioners or Trustees exercise the Functions of Police Commissioners acting under "The General Police and Improvement (Scotland) Act," or Trustees or Commissioners acting under any General or Local Act.	The Police or other Commissioners or Trustees.
Any Place not included in the above Descriptions.	The Parochial Board having Jurisdiction in that Place.

Hours of Labour Regulation.

COLUMN (1).	COLUMN (2).
Places within Jurisdiction of Local Authority.	Description of Local Authority.

IRELAND.

The City of Dublin - - -	The Right Honourable the Lord Mayor, Aldermen, and Burgesses, acting by the Town Council.
Towns Corporate, with Exception of Dublin.	The Mayor, Aldermen, and Burgesses, acting by the Town Council.
Towns having Town Commissioners under the Towns Improvement (Ireland) Act, 1854, (17 & 18 Vict. c. 113,) or under any Local Act.	The Town Commissioners.
Townships having Commissioners under Local Acts.	The Township Commissioners.
Towns under Commissioners appointed by virtue of an Act made in the Ninth Year of George the Fourth, intituled "An Act to make Provision for lighting, cleansing, and watching of Cities and Towns Corporate and Market Towns in Ireland in certain Cases."	The Commissioners.
Towns having Municipal Commissioners, under 3 & 4 Vict. c. 108.	The Municipal Commissioners.
Any Place not included in the foregoing Descriptions.	The Guardians of the Poor of the Union in which such Place is situate.

Explanation.

In this Schedule the following Words shall have the Meanings hercin-after assigned to them ; that is to say,

(1.) "Borough" in England shall mean any Place for the Time being subject to the Act passed in the Session holden in the Fifth and Sixth Years of the Reign of King William the Fourth, Chapter Seventy-six, intituled "An Act to provide for the Regulation of Municipal Corporations in England and Wales."

(2.) "Burgh" in Scotland shall mean any Place returning or contributing to return Members to Parliament.

Hours of Labour Regulation.

THIRD SCHEDULE.

FORM OF CERTIFICATE OF SCHOOL ATTENDANCE.

School.

I do hereby certify that [*Christian Name and Surname of the Child*] has attended the above School for not less than Ten Hours during the Week ending on Saturday the
of 18 .

(Signed) *A. B.*

Principal Teacher of the above School.

Date of 18 .

Address of School.

LONDON:

Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1870.



ANNO TRICESIMO PRIMO & TRICESIMO SECUNDO

VICTORIÆ REGINÆ.

C A P. CXV.

An Act to amend “The Sanitary Act, 1866.”
[31st *July* 1868.]

WHEREAS it is expedient to make further Provision for the Removal of Refuse Matter from Dwelling Houses, and to amend the “Sanitary Act, 1866:”

29 & 30 Vict.
c. 90.

Be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

1. This Act may be cited for all Purposes as “The Sanitary Act, Short Title, 1868.”

2. This Act shall not extend to *Scotland* or *Ireland*.

Application
of Act.

3. “Sewer Authority” in this Act shall have the same Meaning as it has in the Sewage Utilization Act, 1865.

Definition
of “Sewer
Authority.”

4. The following Sections of the Public Health Act, 1848, as amended by any subsequent Act of Parliament, that is to say,

Power to
Sewer
Authority
in relation
to Privies.

(1.) The Fifty-first Section, requiring every new House and every House pulled down to or below the Ground Floor and rebuilt to have a sufficient Watercloset or Privy and Ashpit ;

(2.) And the Fifty-fourth Section as amended by any subsequent Act of Parliament, providing that the Local Board of Health shall see that Drains, Waterclosets, Privies, and Ashpits within their District do not become a Nuisance ; shall extend to the District of every Sewer Authority in which

Sanitary Act (1866) Amendment.

there is no Enactment of any Public or Private Act of Parliament to the like Effect in force; and the said Sections when so extended shall be construed in reference to the District of any Sewer Authority as if the Expression "Sewer Authority" were inserted therein in the Place of the Expression "Local Board," and any Officer for the Time being appointed by the Sewer Authority to examine any Premises shall be deemed to be the Surveyor within the Meaning of the said Sections.

Where the Sewer Authority and the Nuisance Authority of a District are different Bodies of Men, the Jurisdiction of the Nuisance Authority shall cease within such District in relation to all Matters within the Purview of the said Sections of the Public Health Act, 1848; and any Sewer Authority to whose District the said Sections are extended making default in enforcing their Provisions shall be subject to Proceedings under the Sanitary Act, 1866, in the same Manner as if it had made default in providing its District with sufficient Sewers.

Power of
Sewer
Authorities
to Sewerage.

5. A Sewer Authority shall within their District have all the Powers vested in a Local Board by the Thirty-second Section of the Local Government Act, 1858, as amended by any subsequent Act of Parliament, so far as relates to—

(1.) The Removal of House Refuse from Premises;

(2.) The cleansing of Privies, Ashpits, and Cesspools;

and the Paragraphs numbered (1), (2), and (3) of the said Section shall be construed in reference to the District of any Sewer Authority as if the Expression "Sewer Authority" were inserted therein in the Place of the Expression "Local Board."

Where the Sewer Authority and the Nuisance Authority are different Bodies of Men, the Jurisdiction of the Nuisance Authority in such District shall cease in respect to all Matters over which the Sewer Authority acquires Powers by this Section.

Incorporation of Provisions of 11 & 12 Vict. c. 63. as to private Improvement Expenses.

6. The Provisions of the Public Health Act, 1848, relating to private Improvement Expenses, as amended by any subsequent Act of Parliament, shall be deemed to be incorporated with this Act, so far as may be required for carrying into effect any Provision of this Act.

Earth-closets may in certain Cases be constructed instead of Water-closets.

7. Any Enactment of any Act of Parliament in force in any Place requiring the Construction of a Watercloset shall, with the Approval of the Local Authority, be satisfied by the Construction of an Earth-closet, or other Place for the Reception and Deodorization of Fæcal Matter, made and used in accordance with any Regulation from Time to Time issued by the Local Authority.

The Local Authority may as respects any Houses in which such Earth-closets or other Places as aforesaid are in use with their Approval, dispense with the Supply of Water required by any Contract or Enactment to be furnished to the Waterclosets in such Houses, on such Terms as may be agreed upon between such Authority and the Persons or Body of Persons providing or required to provide such Supply of Water.

The

Sanitary Act (1866) Amendment.

The Local Authority may themselves undertake or contract with any Person to undertake a Supply of dry Earth or other deodorizing Substance to any House or Houses within their District for the Purpose of any Earth-closets or other Places as aforesaid.

The Local Authority may themselves construct or require to be constructed Earth-closets or other such Places as aforesaid in all Cases where, under any Enactment in force, they might construct Waterclosets or Privies, or require the same to be constructed, with this Restriction, that no Person shall be required to construct an Earth-closet or other Place as aforesaid in any House instead of a Watercloset if he prefer to comply with the Provisions of the Enactment in force requiring the Construction of a Watercloset, and a Supply of Water for other Purposes is furnished to such House, and that no Person shall be put to greater Expense in constructing an Earth-closet or other Place as aforesaid than he would be put to by compliance with the Provisions of any Enactment as to Waterclosets or Privy Accommodation which he might have been compelled to comply with if this Section had not been passed.

Local Authority shall, for the Purposes of this Act, mean any Local Board and any Sewer Authority.

8. Whereas by the Forty-ninth Section of the Sanitary Act, 1866, Power is given to One of Her Majesty's Principal Secretaries of State in case of any Sewer Authority, Local Board, or Nuisance Authority making default in performing the Sanitary Duties specified in the said Section, and imposed on them by Act of Parliament, to appoint a Person to perform the same, and to direct by Order that the Expenses of performing the same, together with a reasonable Remuneration to the Person appointed for superintending such Performance, and amounting to a Sum specified in the Order, together with the Costs of the Proceedings, shall be paid by the Authority in default, and that any Order made for the Payment of such Costs and Expenses may be removed into the Court of Queen's Bench, and be enforced in the same Manner as if the same were an Order of such Court: And whereas it is expedient to make further Provision for enforcing Payment of any Sum so specified as aforesaid in the Order of the Secretary of State, together with the Costs of the Proceedings occasioned by the Default made in Payment of such Sum:

Provision
for Recovery
of Expenses
by Secretary
of State.

Be it enacted, That the Sum so specified in the Order of the Secretary of State, together with the Costs of the Proceedings, shall be deemed to be Expenses properly incurred by the Authority in default and to be a Debt due from such Authority, and payable out of any Monies in the Hands of such Authority or their Officers, or out of any Rate applicable to the Payment of any Expenses properly incurred by the defaulting Authority, and which Rate is in this Section referred to as the Local Rate; and in the event of any Authority refusing to pay any such Sum with Costs as aforesaid for a Period of Fourteen Days after Demand, the Secretary of State may by Precept empower any Person to levy by and out of the Local Rate such Sum (the Amount to be specified

Sanitary Act (1866) Amendment.

specified in the Precept) as may, in the Opinion of the said Secretary of State, be sufficient to defray the Debt so due from the defaulting Authority, and all Expenses incurred in consequence of the Nonpayment of such Debt; and any Person or Persons so empowered shall have the same Powers of levying the Local Rate, and requiring all Officers of the defaulting Authority to pay over any Monies in their Hands, as the defaulting Authority itself would have in the Case of Expenses legally payable out of a Local Rate to be raised by such Authority; and the said Person or Persons, after repaying all Sums of Money so due in respect of the Precept, shall pay the Overplus, if any, (the Amount to be ascertained by the Secretary of State,) to or to the Order of the defaulting Authority.

As to Recovery of Penalties.

9. Penalties under any Section incorporated with this Act shall be recovered in manner directed by the Act passed in the Session holden in the Eleventh and Twelfth Years of the Reign of Her present Majesty, Chapter Forty-three.

All Powers conferred by this Act shall be deemed to be in addition to and not in derogation of any other Powers conferred by any other Act of Parliament, and any such other Powers may be exercised as if this Act had not passed.

Nothing in this Act contained shall be deemed to exempt any Person from any Penalty to which he would have been liable if this Act had not been passed.

Provided that no Person who has been adjudged to pay any Penalty in pursuance of this Act shall for the same Offence be liable to a Penalty under any other Act.

Amendment of Sect. 37 of 29 & 30 Vict. c. 90.

10. The Sewer Authority, or in the Metropolis the Nuisance Authority, shall have the like Power to make Provision for the temporary Supply of Medicine and Medical Assistance for the poorer Inhabitants as it now has to provide Hospitals or temporary Places for the Reception of the Sick under the Thirty-seventh Section of "The Sanitary Act, 1866," but such Power to make Provision for the temporary Supply of Medicine and Medical Assistance shall not be exercised without the Sanction of Her Majesty's Privy Council.

Construction of First Part of the Sanitary Act, 1866.

11. In the Construction of the First Part of the Sanitary Act, 1866, "Owner" shall have the same Meaning as it has in the Second Part of the said Act; and Notices may be served for the Purposes of the First Part of the said Act in the same Manner in which they are required to be served under the Second Part of the said Act.

LONDON:

Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1871.



ANNO TRICESIMO PRIMO & TRICESIMO SECUNDO

VICTORIÆ REGINÆ.

C A P. CXXX.

An Act to provide better Dwellings for Artizans
and Labourers. [31st *July* 1868.]

WHEREAS it is expedient to make Provision for taking down or improving Dwellings occupied by Working Men and their Families which are unfit for Human Habitation, and for the building and Maintenance of better Dwellings for such Persons instead thereof: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

1. In citing this Act it shall be sufficient to use the Words Short Title.
"The Artizans and Labourers Dwellings Act, 1868."

2. This Act shall apply only to the Places named in the First Column of Table (A.) in the First Schedule annexed hereto; and "Local Authority," "Local Rate," and "Clerk of Local Authority" shall mean "the Bodies of Persons," "Rate," and "Officer" in that Table in that Behalf mentioned; and the said Table shall be of the same Force as if it were enacted in the Body of this Act: Provided always, that this Act shall not apply to any City, Borough, Application of Act, and Definition of "Local Authority," "Local Rate," and "Clerk of Local Authority."

Artizans and Labourers Dwellings.

Town, or Place that would otherwise be included within the said Table, the Population whereof does not according to the Census for the Time being in force amount to the Number of Ten thousand Persons.

Interpreta-
tion of
Terms :

3. The following Words and Expressions have in this Act the following Meanings, unless excluded by the Subject or Context; (that is to say,)

“Street” and
“Square :”

The Word “ Street ” includes any Court, Alley, Street, Square, or Row of Houses :

“Premises :”

The Word “Premises ” means any Dwelling House or inhabited Building, and the Site thereof, with the Yard, Garden, Outhouses, and Appurtenances belonging thereto or usually enjoyed therewith :

“ Owner :”

The Expression “ Owner,” in addition to the Definition given by the Lands Clauses Act, shall include all Lessees or Mortgagees of any Premises required to be dealt with under this Act, except Persons holding or entitled to the Rents and Profits of such Premises for a Term of Years, of which Twenty-one Years do not remain unexpired :

“ Person :”

“ Person ” shall include a Body of Persons, corporate or unincorporate :

“ Quarter
Sessions :”

“ Quarter Sessions ” shall include General Sessions, and in *Ireland* shall mean, in Towns and Boroughs where there are separate Quarter Sessions, the Quarter Sessions of said Boroughs and Towns, and in Boroughs where there are no separate Quarter Sessions, the Quarter Sessions of the Divisions of the Courts in which such Towns or Boroughs shall be situate :

“ Officer of
Health :”

“ Officer of Health ” shall mean and include Medical Officer of Health, Sanitary Inspector, or any Statutory Officer performing the Duties which a Medical Officer or Sanitary Inspector performs under or by virtue of any Act of Parliament :

“ Local
Officer,” &c.:

In all Cases in which the Name of a Local Authority, Local Court, Magistrate, or Officer having any Local Jurisdiction in respect of their or his Office is referred to, without Mention of the Locality to which the Jurisdiction extends, such Reference is to be understood to indicate the Local Authority, Local Court, Magistrate, or Officer having Jurisdiction in that Place within which are situate the Premises or other Subject Matter or any Part thereof to which such Reference applies :

“ The
Metropolis :”

“ The Metropolis ” shall not include the City of *London* or the Liberties thereof, but shall include all other Parishes or Places within the Jurisdiction of the Metropolitan Board of Works :

“ Borough ”

Artizans and Labourers Dwellings.

“Borough” in *England* shall mean any Place for the Time being subject to the Act passed in the Session holden in the Fifth and Sixth Years of the Reign of King *William* the Fourth, Chapter Seventy-six, intituled *An Act to provide for the Regulation of Municipal Corporations in England and Wales* : “Borough” in England.

“Burgh” in *Scotland* shall mean any Place returning or contributing to return Members to Parliament, or any Place subject to the Jurisdiction of a Town Council : “Burgh” in Scotland :

“Borough” in *Ireland* shall mean any Place for the Time being subject to the Act passed in the Session of the Third and Fourth Years of the Reign of Her present Majesty, Chapter One hundred and eight, and intituled *An Act for the Regulation of Municipal Corporations in Ireland*. “Borough” in Ireland :

4. If in any Place to which this Act applies there is no Officer of Health within the Meaning of this Act, the Local Authority, with the Approval of One of Her Majesty’s Principal Secretaries of State, shall forthwith appoint such an Officer for such Period as shall be necessary, shall assign him his Duties, and pay him such Salary or Emolument out of the Local Rate as they, with such Approval as aforesaid, shall think fit. The Local Authority, with the like Approval, may from Time to Time remove any Officer appointed under this Section, and in manner aforesaid appoint another Officer in his Place. As to Appointment of Officers of Health and Payment of Salaries.

5. If in any Place to which this Act applies the Officer of Health find that any Premises therein are in a Condition or State dangerous to Health so as to be unfit for Human Habitation, he shall report the same in manner herein-after provided to the Local Authority. Officer of Health to report as to Condition of Streets.

6. Every Report made under this Act by the Officer of Health shall be made in Writing and delivered to the Clerk of the Local Authority, and the Local Authority shall refer such Report to a Surveyor or Engineer, who shall thereupon consider the Report so furnished to him, and report to the Local Authority what is the Cause of the Evil so reported on, and the Remedy thereof, and if such Evil is occasioned by Defects in any Premises, whether the same can be remedied by structural Alterations and Improvements or otherwise, or whether such Premises, or any and what Part thereof, ought to be demolished. Officer of Health to deliver Copies of Report to Clerk of Local Authority, who shall refer the same to a Surveyor, &c.

7. Upon Receipt of the Report of the Surveyor and Engineer the Local Authority shall cause Copies of both the Reports to be given to the Owner, with Notice of the Time and Place appointed by Local Authority to cause Copies of Reports to be given

Artizans and Labourers Dwellings.

to Owner,
who may
object to
the same,
and to pre-
pare Plan
and Specifi-
cation of
required
Works.

by the Local Authority for the Consideration thereof, and such Owner shall be at liberty to attend and to state his Objections (if any) to such Reports, or either of them, including therein any Objection that the necessary Works ought to be done by or at the Expense of some other Person or Persons, or at the Expense of the Parish or District in which the Premises are situate; and on such Objections the Local Authority shall make an Order in Writing, signed by the Clerk of such Local Authority, which shall be subject to Appeal in manner herein-after mentioned; and if such Objections are overruled, the Local Authority, if they deem it necessary, shall cause to be prepared a Plan and Specification of the Works (if any), and an Estimate of the Cost of such Works, required to be executed.

Clerk of
Local Autho-
rity to give
Notice to
Owner of
Plan, &c.
of required
Works hav-
ing been
prepared.

8. The Clerk of the Local Authority shall thereupon forthwith give Notice to the Owner of the Premises, informing him that a Plan and Specification and Estimate of the Cost of such Works as are required in reference thereto have been prepared, and that such Plan and Specification and Estimate may, if such Owner think fit, be inspected and transcribed by him or his Agent at the Office of the Clerk of the Local Authority without Charge; and any such Owner may at any Time within Three Weeks after the Receipt of such Notice state in Writing to the Clerk of the Local Authority any Objection which he may entertain to the said Plan, Specification, and Estimate, or any of them, and may attend at a Time and Place to be appointed for such Purpose by the Local Authority to support such Objections; and the Local Authority shall thereupon make such Order in relation thereto as they may think fit; and if they decide that any Alteration is to be made in the said Plan, Specification, and Estimate, the Local Authority shall cause such Alteration to be made accordingly, and the Plan and Specification and Estimate so amended shall be the Plan and Specification and Estimate according to which the Works shall be executed.

Persons
aggrieved
by Order
of Local
Authority
may appeal
against
the same.

9. Any Person aggrieved by any Order of the Local Authority, or his Agent, may appeal against the same to the Court of Quarter Sessions held next after the making of the said Order, but the Appellant shall not be heard in support of the Appeal unless, within One Calendar Month after the making of the Order appealed against, he give to the Clerk of the Local Authority Notice in Writing stating his Intention to appeal, together with a Statement in Writing of the Grounds of Appeal, and shall, within Two Days after giving such Notice, enter into a Recognizance before some Justice of the Peace, with sufficient Securities, con-
ditioned

Artizans and Labourers Dwellings.

ditioned to try such Appeal at the said Court, and to abide the Order of and pay such Costs as may be awarded by the Court or any Adjournment thereof; and the Court, upon the appearing of the Parties, or upon their making default, shall have full Power and Jurisdiction to make such Order and give such Directions as under the Circumstances shall seem just, and may, according to its Discretion, award such Costs to the Party appealing or appealed against as they think proper, and the Determination of the Court in or concerning the Premises shall be conclusive and binding on all Persons to all Intents or Purposes whatsoever: Provided,—

First, that if there be not Time to give such Notice and enter into such Recognizance as aforesaid, then such Appeal may be made to, and such Notice, Statement, and Recognizance be given and entered into for the next Sessions at which the Appeal can be heard:

Secondly, that on the Hearing of the Appeal no Grounds of Appeal shall be gone into or entertained other than those set forth in such Statement as aforesaid:

Thirdly, that in any Case of Appeal the Court shall, at the Request of either Party, state the Facts specially for the Determination, in *England* or *Ireland*, of Her Majesty's Court of Queen's Bench, or in *Scotland* of either Division of the Court of Session, in which Case it shall be lawful to remove the Proceedings, by Writ of Certiorari or by Petition, into the said Courts of Queen's Bench or to the Court of Session respectively:

Fourthly, that pending any Appeal no Work shall be done nor Proceedings taken under any Order until after the Determination of such Appeal, or it shall cease to be prosecuted.

10. If the Owner appeal from the Decision of the Local Authority upon the Objection that he is not responsible for the State and Condition of his Premises, he shall be bound to give Notice of his Appeal, and a Statement in Writing of the Ground thereof, to the Person or Persons, or to the Parish or District, alleged by him to be the Occasion of his Premises being in such a State or Condition as to render them liable to be reported upon under the Provisions of the Act, and such Person or Persons, or Parish or District, may appear before the Court, and be heard against his or their alleged Liability.

Owner may appeal where Decision of Local Authority is against him.

11. If the Local Authority shall decide in favour of the Objection of the Owner of the Premises that some other Person or Persons, or that the Parish or District in which the Premises are situate,

Where Local Authority decide in favour of Owner,

Artizans and Labourers Dwellings.

Reports and
Notices to
be sent to
Parties
liable.

situate, is or are responsible for the State and Condition of his Premises, the Local Authority shall forthwith send Copies of the Reports of the Officer of Health and of the Surveyor or Engineer to such Person or Persons, or to the Officer of such Parish or District, together with Notice of his or their alleged Liability, and shall appoint a Time and Place for hearing the Parties so alleged to be liable, and give Notice thereof to the said Parties and also to the Owner of the Premises, and the Local Authority shall make such Order thereupon as to them shall seem just, and the same shall be subject to Appeal in manner aforesaid.

On Repre-
sentation
by House-
holders that
Disease
exists in
any House,
Officer of
Health to
inspect and
report.

12. If and whenever any Four or more Householders living in or near to any Street by Writing under their Hands represent to the Officer of Health that in or near that Street any Premises are in a Condition or State dangerous to Health so as to be unfit for Human Habitation, he shall forthwith inspect the Premises, and report thereon; but the Absence of any such Representation shall not excuse him from inspecting any Premises, and reporting thereon.

If Local
Authority
neglect to
enforce Act,
Secretary of
State may
compel it to
proceed.

13. In the event of the Local Authority declining or neglecting for the Space of Three Calendar Months after receiving such Report to take any Proceedings to put this Act in force, the Householders who signed such Representation may address a Memorial to the Secretary of State stating the Circumstances, and asking that an Inquiry be made, and upon Receipt of such Memorial the said Secretary of State may direct the Local Authority to proceed under the Provisions of the Act, and such Direction shall be binding on the Local Authority.

Owner to
signify to
Clerk of
Local Autho-
rity whether
he is willing
to execute
specified
Works.

14. Within Three Calendar Months after the Service on the Owner of the Order by the Clerk of the Local Authority, or, in the Case of Appeal, within One Calendar Month after the Order of Quarter Sessions, or, in the event of a further Appeal, within One Calendar Month after the Order of the Court of Final Appeal, the Persons so served with the Order of the Local Authority shall each of them signify in Writing to the Clerk of the Local Authority whether he is willing to effect the Works required to be executed; and where Two or more Persons shall so signify, the Right of effecting the Works shall be given first to the Person whose Ownership is first or earliest in Title.

Service of
Notice on
Owner whose
Name and
Residence
are known.

15. Where the Owner of the Premises and his Residence or Place of Business are known to the Local Authority, it shall be the Duty of the Clerk of the Local Authority, if the Owner be residing or have a Place of Business within the District of such Local Authority,

Artizans and Labourers Dwellings.

Authority, to give any Notice by this Act required to be served on him to the Owner, or for him, to some Inmate of his Place of Residence or Business within the Place; and if he be not residing within such District, or has no Place of Business therein, then to send the Notice by Post in a registered Letter addressed to the Owner at his Place of Residence or Business; provided that the Notice served upon the Agent of the Owner shall be deemed Notice to the Owner.

16. Where the Owner of the Premises or his Residence or Place of Business is not known to, or after diligent Inquiry cannot be found by the Local Authority, then the Clerk of the Local Authority may serve the Notice by leaving it, addressed to the Owner, with some Occupier of the Premises, or if there be not an Occupier, then by causing it to be put up on some conspicuous Part of the Premises.

Service of Notice on Owner whose Name or Residence is not known.

17. Every Notice required to be given by the Clerk of the Local Authority by this Act shall be in Writing or Print, or partly in Writing and partly in Print, and shall be signed by the Clerk of the Local Authority or Deputy appointed by him.

Notices to be signed by the Local Authority.

18. The Owner on whom the Local Authority shall have imposed in the first instance the Duty of executing the Work shall, within Two Calendar Months thereafter, commence the Works as shown on the Plan and described in the Specification, and shall diligently proceed with and complete the same in conformity with the Specification to the Satisfaction of the Surveyor or Engineer appointed by the Local Authority; and if such Owner shall fail therein, the Local Authority shall require the Owner next in order as aforesaid to execute the said Works, and in case of his Default shall require the remaining Owners in their Order as aforesaid; and if all such Owners shall make default, the Local Authority shall, as the Case may seem to them to require, either order the Premises to be shut up or to be demolished, or may themselves execute the required Works in conformity with the Specification.

Local Authority to require Owners to execute Works as in Specification.

Proceedings of Local Authority in case Owners neglect.

19. Where the Local Authority themselves execute the Works, they may apply to the Court of Quarter Sessions having Jurisdiction over the Place of which they are the Local Authority for an Order charging on the Premises on which the Works have been executed the Amount of all Costs, Charges, and Expenses that have been incurred by such Authority in or about the Execution of such Works, including the Costs of obtaining the Order; and the Court of Quarter Sessions, when satisfied of the Amount so expended, shall make an Order accordingly, charging on the Premises

Provision in case Local Authority themselves execute the Works.

miscs

Artizans and Labourers Dwellings.

mises the Amount of such Costs, Charges, and Expenses, together with Interest at the Rate of Four Pounds *per Cent. per Annum*, and such Order shall be filed and recorded in manner herein-after mentioned, and thereupon the Amount of Principal and Interest thereby secured shall be a Charge on the House, bearing Interest at Four *per Centum*, and having Priority over all other Estates, Incumbrances, and Interests whatsoever, and the Local Authority shall, for the Purpose of obtaining Satisfaction of the Monies so charged, or of any Interest thereon, be deemed to be a Mortgagee of an absolute Estate in the House, and shall be invested with all the Powers conferred on Mortgagees by Part II. of the Act of the Session of the Twenty-third and Twenty-fourth Years of the Reign of Her present Majesty, Chapter One hundred and forty-five, and in *Scotland* such Order shall be recorded in the appropriate Register of Sasines.

Local Authority to pay Compensation when total Demolition required.

20. If the Requirements of the Order involve the total Demolition and not the Improvement of the Premises specified therein, the Owner shall, within Three Months after Service of the Order, proceed to take down and remove the Premises, and if such Owner fail therein, then the Local Authority shall proceed to take down and remove the same; and the Local Authority shall sell the Materials, and, after deducting the Expenses incident to such taking down and Removal, pay over the Balance of Monies, if any, to the Owner.

Determination of Tenancies.

21. Where at the Time of making the Order the Premises specified therein, or any Part thereof, are or is subject to any Tenancy from Year to Year, or for a Year or for any less Term, the Local Authority shall give Notice to every such Tenant, stating the Time at which such Tenancy will be determined.

Remedies of Owner for Breach of Covenant, &c. not to be prejudiced.

22. Provided always, that nothing in this Act contained shall prejudice or interfere with the Rights or Remedies of any Owner for the Breach, Nonobservance, or Nonperformance of any Covenant or Contract entered into by a Tenant or Lessee in reference to any Premises in respect of which any Order shall be made by a Local Authority; and if any Owner shall be obliged to take possession of any Premises in order to comply with any Order made under the Provisions of this Act, such Entry or taking possession shall not affect his Right to avail himself of any such Breach, Nonobservance, or Nonperformance that may have occurred prior to his so taking possession.

Owner instead of effecting Improvements

23. If the Order be that the Premises require Improvement, the Owner, including therein the Owner of the First Estate of Inheritance, if he think fit, may, instead of effecting the Works require^d

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required by the Plan and Specification, take down the Premises; but in every such Case, and also in the event of the Owner desiring to retain the Site of the Premises required by the Order to be totally demolished, no House or other Building or Erection shall be erected on all or any Part of the Site of the Premises so taken down which shall be injurious to Health; and the Local Authority may at any Time make an Order upon the Owner to abate or alter the said House, Building, or Erection, as the Case may require; and in the event of Noncompliance with such Order the Local Authority may, at the Expense of the Owner thereof, abate or alter any House or other Building or Erection at any Time wholly or partly erected contrary to the Provisions of this Section.

may take
down Pre-
mises.

24. When there are Two or more Owners of any Premises, and it appears to any Two Justices in Petty Sessions, on Application of any Owner of such Premises, that the Interest of the Applicant in the Premises will be prejudiced by the Neglect and Default of any other Owner to deal with the Premises in conformity with the Order so made, it shall be lawful for such Justices, if the Applicant undertake to their Satisfaction to bring the Premises into conformity with such Order, to make an Order empowering the Applicant forthwith to take possession of the Premises, and to do all such Works as may be necessary for bringing the same into conformity with such Order, and within such Time as shall be fixed by such Justices, and on Non-compliance by such last-mentioned Applicant with his Undertaking it shall be lawful for the Justices to make a like Order in favour of any other Owner.

Application
may be made
to Justices
where more
than One
Owner of
Premises
included in
Order under
Act, and any
One Owner
neglects to
comply with
such Order.

25. Where any Owner has completed any Works required to be executed by a Local Authority in pursuance of this Act, he may on the Completion thereof apply to the Local Authority for a Charging Order charging on the Premises on which the Works have been executed an Annuity as Compensation to the Owner for the Expenditure incurred by him in executing such Works, and shall produce to the Local Authority the Certificate of their Surveyor or Engineer that the Works have been executed to his Satisfaction, and also the Accounts and Vouchers for such Works, and the Local Authority, when satisfied that the Owner has duly executed such Works, shall make a Charging Order accordingly.

Grant of
Annuity to
Owner on
Completion
of Works.

The Annuity charged shall be a Sum of Six Pounds for every 100%. of such Expenditure, and so in proportion for any less Sum, to commence from the Date of the Order, and to be payable for a Term of Thirty Years to the Owner named in such Order, his Executors, Administrators, or Assigns.

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Charging Orders made under this Act shall be made according to the Form marked A. in the Second Schedule hereto annexed, or as near thereto as the Circumstances of the Case will admit.

The Costs of obtaining the Order to be allowed by the Local Authority shall be deemed to be Part of the Expenditure incurred by the Owner.

Incidence of Charge.

26. Every Annuity created by a Charging Order under this Act shall be a Charge on the Premises comprised in the Order, having Priority over all existing and future Estates, Interests, and Incumbrances, with the Exception of Quitrents and other Charges incident to Tenure, Tithe Commutation Rentcharges, and any Charges created under any Act authorizing Advances of Public Money; and where more Annuities than One are chargeable under this Act on any Premises, such Annuities shall, as between themselves, take order according to their respective Dates.

Charges recoverable as Rent-charges in lieu of Tithes.

27. Every Annuity charged on any Premises by a Charging Order under this Act may be recovered by the Persons for the Time being entitled to the same by the same Means and in the like Manner in all respects as if it were a Rentcharge granted by Deed out of the Premises by the Owner thereof.

An Order to be Evidence of Compliance with Act.

28. An Order made in pursuance of this Act charging an Annuity on any Premises shall be, both at Law and in Equity, conclusive Evidence that all Notices, Acts, and Proceedings by this Act directed with reference to or consequent on the obtaining such Order, or the making such Charge, have been duly served, done, and taken, and that such Charge has been duly created, and that it is a valid Charge on the Premises declared to be subject thereto.

Registry of Charging Order on Premises in Middlesex and Yorkshire.

29. Every Charging Order made in pursuance of this Act relating to Premises in *Middlesex* or *Yorkshire* shall be registered in the same Manner respectively as if such Charge were made by Deed by the absolute Owner of such Lands without the Aid of this Act; and a Copy of every such Charging Order of the Certificate of such Surveyor or Engineer as aforesaid, together with a Copy of the Accounts as passed by the Local Authority, and which Copies shall be certified to be true Copies by the Clerk of such Local Authority, shall, within Six Months after the Date of such Charging Order, be deposited with the Clerk of the Peace of the County in which the Premises are situate, who shall be entitled to a Fee of Ten Shillings for filing and recording the same; and every Charging Order made in pursuance of this Act relating to Premises in *Scotland* shall be recorded in the appropriate Register of Sasines.

30. The

Artizans and Labourers Dwellings.

30. The Proprietor of any Charge may, by Deed under Seal, stamped with the same *ad valorem* Stamp as if it were an Assignment of a Charge created by Deed, assign the Benefit of the Charging Order, or of any Portion of the Charge comprised therein, to any other Person; and on such Assignment being executed the Assignee shall have the same Rights under the Order as the Proprietor would have had if no such Assignment had been executed; and any Assignee of a Charging Order may, by Deed stamped in manner aforesaid, assign the Charge to any other Person. Any Assignment of a Charging Order may be in the Form marked B. in the Schedule hereto, or in any other convenient Form.

Assignment
of Charge.

31. All Expenses incurred by the Local Authority in pursuance of this Act shall be defrayed by them out of a special Local Rate, not exceeding Twopence in the Pound in any Year, which they are hereby empowered to assess and levy for the Purposes of this Act.

As to Ex-
penses of
Local
Authority.

32. The Public Works Loan Commissioners, as defined by the Public Works Loan Act, 1853, may, if they think fit, lend to any Local Authority, and any Local Authority may borrow from the said Commissioners, such Sums as the said Authority may require for the Purposes of this Act, but the Amount of every Loan shall be sanctioned by the Lords Commissioners of the Treasury.

Power to
Public
Works Loan
Commis-
sioners to
advance
Monies to
Local
Authority.

33. Any Summons, Notice, Writ, or other Proceeding at Law or in Equity, or otherwise, in relation to carrying into effect the Objects and Purposes of this Act, required to be served upon the Local Authority, may be lawfully served by delivering the same to the Clerk of the Local Authority, or leaving the same at his Office with some Person employed there by him.

Service of
Notice on
the Local
Authority.

34. Any Notice, Demand, or other written Document served by the Local Authority for the Purposes of this Act shall be signed by the Clerk of the Local Authority.

Notices
served by
Local Au-
thority to be
signed by
the Clerk.

35. Where any Person at any Time obstructs the Officer of Health or other Person acting in the Performance of anything which the Local Authority or their Officers respectively are by this Act required or authorized to do, every Person so offending shall for every such Offence forfeit not exceeding Twenty Pounds.

Penalty for
obstructing
Officer of
Health, &c.
in execution
of Act.

36. If the Occupier of any Premises prevents the Owner thereof, or if the Owner or Occupier of any Premises prevents the Officer of Health, or their Officers, Agents, Servants, or Workmen, from carrying into effect with respect to the Premises any of the Provisions of this Act, after Notice of the Intention so to do has been

Penalty for
preventing
Execution
of Act.

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been given to the Occupier, or, as the Case shall be, to the Owner, any Justice on Proof thereof may make an Order in Writing requiring the Oocupier to permit the Owner, or, as the Case shall be, requiring the Owner or Occupier, or both, to permit the Officer of Health, or the Local Authority, and their Officers, Agents, Servants, and Workmen, to do all things requisite for carrying into effect with respect to the Premises the Provisions of this Act; and if at the Expiration of Ten Days after the Service of such Order of the Justice the Occupier or Owner fails to comply therewith, every Person so offending shall for every Day during which the Failure continues forfeit not exceeding Twenty Pounds: Provided that during any such Failure by the Occupier the Owner, unless assenting thereto, shall not be liable to the Forfeiture.

Appearance
of Local
Authority.

37. The Local Authority may appear before any Judge, Justices, Borough Magistrates, Sheriff, or Sheriff Substitute, by their Clerk, and any Company or Body Corporate may appear before the said Magistrate or Magistrates by any Member of their Board of Management.

Recovery of
Penalties.

38. Penalties under this Act may be recovered before Two Justices in manner directed by an Act passed in the Session holden in the Eleventh and Twelfth Years of the Reign of Her Majesty Queen *Victoria*, Chapter Forty-three, intituled *An Act to facilitate the Performance of the Duties of Justices of the Peace out of Sessions within England and Wales with respect to summary Convictions and Orders*, or any Act amending the same, and in *Scotland* by summary Complaint before the Sheriff, Sheriff Substitute, or Two Justices, or in Boroughs before the Magistrates, in manner provided by "The Summary Procedure Act, 1864," and in *Ireland* in manner directed by "The Petty Sessions (*Ireland*) Act, 1851," and any Act amending the same.

Application
of Act to
Scotland.

39. For the Purpose of adapting this Act to *Scotland* the following Alteration shall be made; that is to say,

1. "The Lands Clauses Consolidation Act (*Scotland*), 1845," shall be substituted for "The Lands Clauses Consolidation Act, 1845:"
2. All the Judicial Powers given to Justices in Quarter Sessions by this Act shall be exercised by Sheriffs of Counties or Sheriff Substitutes; and wherever by this Act an Appeal is given to the Court of Quarter Sessions, and thence to the Court of Queen's Bench, such Appeal shall be to the Sheriff of the County, and from him to the Court of Session in the usual Manner.

40. For

Artizans and Labourers Dwellings.

40. For the Purpose of adapting this Act to *Ireland* the Words "The Lands Clauses Consolidation Act, 1845," shall mean "The Railways Act, *Ireland*, 1851," and the several Acts amending the same.

Application
of Act to
Ireland.

41. Any Act, Power, or Jurisdiction hereby authorized to be done or exercised by Two Justices may be done or exercised by the following Magistrates within their respective Jurisdictions; that is to say: As to *England*, by any Metropolitan Police Magistrate or other Stipendiary Magistrate sitting alone at a Police Court or other appointed Place, or by the Lord Mayor of the City of *London*, or any Alderman of the said City, sitting alone or with others, at the *Mansion House* or *Guildhall*; as to *Scotland*, by the Sheriff or Sheriff Substitute, or by any Two Magistrates of a Burgh; and as to *Ireland*, by any One or more Divisional Magistrates of Police in the Police District of *Dublin*, and elsewhere by Two or more Justices of the Peace in Petty Sessions.

Jurisdiction
of certain
Magistrates.

Artizans and Labourers Dwellings.

SCHEDULES.

FIRST SCHEDULE.

TABLE A.
ENGLAND AND WALES.

Places to which Act applies.	Description of Local Authority.	Description of Local Rate.	Description of Clerk of Local Authority.
The City of London and the Liberties thereof. Local Acts { 11 & 12 Vict. c. 163. 14 & 15 Vict. c. 91.	Commissioners of Sewers of the City of London. Local Act 11 & 12 Vict. c. 163.	The Consolidated Rate 11 & 12 Vict. c. 163. s. 158.	The Clerk to the Commissioners. 11 & 12 Vict. c. 163. s. 25.
The Metropolis - -	The Vestries and District Boards under the Act 18 & 19 Vict. c. 120. within their respective Parishes and Districts.	Rate to be levied for defraying the Expenses of the Act 18 & 19 Vict. c. 120.	Clerk of the Vestries or District Boards.
Boroughs not within the Jurisdiction of such Local Board as aforesaid.	The Mayor, Aldermen, and Burgesses, acting by the Council.	The Borough Fund or other Property applicable to the Purposes of a Borough Rate or the Borough Rate.	The Town Clerk.
Any Town not included in the above Descriptions, and under the Jurisdiction of Commissioners, Trustees, or other Persons entrusted by any Local Act with Powers of improving, cleansing, or paving any Town.	The Commissioners, Trustees, or other Persons entrusted by the Local Act with Powers of improving, cleansing, or paving the Town.	Any Rate leviable by such Commissioners, Trustees, or other Persons, or other Funds applicable by them to the Purposes of improving, cleansing, or paving the Town.	The Clerk of the Commissioners or Trustees or other Persons or other Officer performing the Duties of Clerk.
Places within the Jurisdiction of Local Boards, constituted in pursuance of The Public Health Act, 1848, and The Local Government Act, 1858, or One of such Acts.	The Local Board -	General District Rate 11 & 12 Vict. c. 63. s. 87.	Clerk of the Local Board or other Officer performing Duties of Clerk. 11 & 12 Vict. c. 63. s. 37.

Artizans and Labourers Dwellings.

Places to which Act applies.	Description of Local Authority.	Description of Local Rate.	Description of Clerk of Local Authority.
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SCOTLAND.

Burghs - - -	The Magistrates and Town Council.	The Revenue of the Burgh or the Local Rate leviable for Prison Purposes under 23 & 24 Vict. c. 105., or any other Local Rate leviable by the Town Council.	Town Clerk.
Places where Police Commissioners or Trustees exercise the Functions of Police Commissioners acting under The General Police and Improvement (Scotland) Act, or Trustees or Commissioners acting under any General or Local Act.	The Police or other Commissioners or Trustees.	Property or Rate belonging to or leviable by the Commissioners or Trustees.	Clerk of the Commissioners or Trustees or any other Officer performing the Duties of Clerk.

IRELAND.

The City of Dublin -	The Right Honourable the Lord Mayor, Aldermen, and Burgesses, acting by the Council.	The Borough Fund or Borough or Improvement Rate.	The Town Clerk.
Towns Corporate or Boroughs (with the Exception of the City of Dublin).	The Mayor, Aldermen, and Burgesses, acting by the Council.	The Borough Fund, or Town Fund, or Borough Rate.	The Town Clerk.
Towns having Town Commissioners under 9 G. 4. c. 82. or 17 & 18 Vict. c. 103., or any Acts amending the same, or having Commissioners or other Governing Body under any Local Act.	The Town Commissioners or other Governing Body.	Any Rate leviable by these Bodies, or any Fund belonging to them applicable in the whole or in part to the making or repairing of Sewers within their Jurisdiction.	The Clerk of the Commissioners or other Governing Body.

Artizans and Labourers Dwellings.

SECOND SCHEDULE.

FORM MARKED A.

The Artizans and Labourers Dwellings Act, 1868.

County of
Parish of
No.

Charging Order.

Insert
Description
of Local
Authority.

The being the Local Authority under
the above-mentioned Act, do, by this Order under their Hands and
Seal, charge the Inheritance or Fee of the Premises mentioned in
the Schedule hereto with the Payment to
of the Sum of Pounds, payable yearly on
the Day of for the Term of
Years, and being in consideration of an
Expenditure of Pounds incurred by him in respect
of the said Premises.

SCHEDULE.

Insert
Description
of Premises
charged.

FORM MARKED B.

Form of Assignment of Charge.

To be endorsed on Charging Order.

Dated the Day of .
I, the within-named in
pursuance of the Artizans and Labourers Dwellings Act, 1868, and
in consideration of Pounds this Day paid to me,
hereby assign to the within-
mentioned Charge.
(Signed)

Artizans and Labourers Dwellings.

THIRD SCHEDULE.

I. *Form of Order by Court of Quarter Sessions or Petty Sessions, or Court of Burgh Magistrates in Scotland.*

Be it remembered, That on the Day of 18 upon the Report herein-after mentioned, we, the undersigned Justices, assembled at the Court of Quarter Sessions holden in and for the County of , or assembled in Petty Sessions for the Division or District of the Borough or County of , or Members of the Court of Burgh Magistrates for [as the Case may be], do hereby order and determine that One or more House or Houses or Buildings situate in a certain Court or Alley within the Borough or Burgh, known or designated as Court or Alley [or otherwise distinguishing the Premises], and specified in the Report of the Officer of Health for the dated the Day of 18 , is or are unfit for Human Habitation, and ought to be improved or demolished [as the Case may be], in pursuance of "The Artizans and Labourers Dwellings Act, 1868."

II. *Form of Notice by Clerk of the Peace, Clerk of the Justices, or Clerk of the Court of Burgh Magistrates in Scotland to Clerk of Local Authority.**Artizans and Labourers Dwellings Act, 1868.*

I, A.B., Clerk of the Peace or Clerk of the Justices [or Clerk of the Court of Burgh Magistrates] for the , do hereby certify, That on the Day of 18 the Justices assembled at the Court of Quarter Sessions, or assembled at the Petty Sessions for the [or Court of the Burgh Magistrates]

15 O

Artizans and Labourers Dwellings.

Magistrates] [*as the Case may be*], made an Order, of which the following is a true Copy :

[Here give a Copy of the Presentment, Form I.]

As witness my Hand, this Day of in the
Year of our Lord 18 .

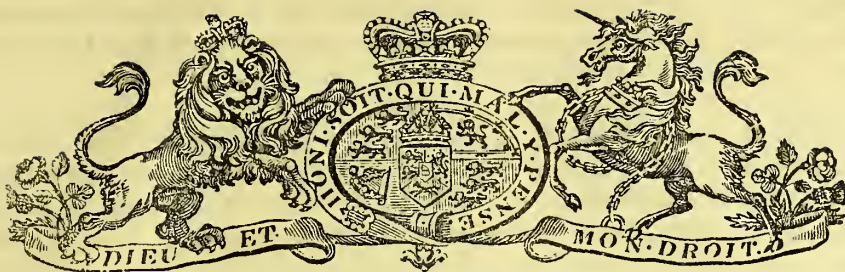
(Signed) (A.B.) Clerk of the Peace *or* Clerk of the
Justices for

[*or Clerk of the Court of Burgh Magistrates*].

To the Clerk of the
of

LONDON :

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ANNO SEXTO

GEORGII IV. REGIS.

C A P. LXXVIII.

An Act to repeal the several Laws relating to the Performance of Quarantine, and to make other Provisions in lieu thereof. [27th June 1825.]

WHEREAS it is expedient to repeal the several Laws relating to the Performance of Quarantine, and to make other Provisions in lieu thereof: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the First Day of *June* One thousand eight hundred and twenty-five, all and every Act, and all Parts of Acts of the Parliament of *Great Britain* and *Ireland* respectively, and of the Parliament of the United Kingdom, relating to the Performance of Quarantine, or relating to the charging any Duty or Duties upon Vessels which may be liable to, or have performed Quarantine, shall be and the same is hereby repealed; save and except such Acts, and such Parts of Acts, as relate to the Payment and Recovery of any Duties imposed by the said Acts, or any Parts of Acts, which shall be due and unpaid on the said First Day of *June* by any Person or Persons under any or either of the said Acts; and also save and except as to any Fine, Penalty, Forfeiture, or Punishment, or Fines, Penalties, Forfeitures, or Punishments, to which any such Person or Persons may be liable by reason of the same; and also save

Acts relating to Quarantine repealed.

Exceptions.

and except as to any Action, Suit, Prosecution, or other Proceeding brought or commenced, or which shall hereafter be brought or commenced, for or on account of any such Offence or Offences so done or committed as aforesaid.

What Vessels shall be liable to Quarantine.

II. And be it enacted, That from and after the First Day of *June* One thousand eight hundred and twenty-five, all Vessels, as well His Majesty's Ships of War as others, coming from or having touched at any Place from whence His Majesty, His Heirs or Successors, by and with the Advice of His or Their Privy Council, shall have adjudged and declared it probable that the Plague or other infectious Disease or Distemper highly dangerous to the Health of His Majesty's Subjects may be brought, and all Vessels and Boats receiving any Person, Goods, Wares, and Merchandize, Packets, Packages, Baggage, Wearing Apparel, Books, Letters, or any other Article whatsoever, from or out of any Vessel so coming from or having touched at such infected Place as aforesaid, whether such Persons, Goods, Wares, and Merchandize, Packets, Packages, Baggage, Wearing Apparel, Books, Letters, or other Articles, shall have come or been brought in such Vessels, or such Persons shall have gone, or Articles have been put on board the same, either before or after the Arrival of such Vessels at any Port or Place in the United Kingdom, or the Islands of *Guernsey, Jersey, Alderney, Sark, or Man*, and whether such Vessels were or were not bound to any Port or Place in the United Kingdom, or the Islands aforesaid, and all Persons, Goods, Wares, and Merchandize, Packets, Packages, Baggage, Wearing Apparel, Books, Letters, or any other Article whatsoever on board of any Vessels so coming from or having touched at such infected Place as aforesaid, or on board of any such Receiving Vessels or Boats as aforesaid, shall be and be considered to be liable to Quarantine within the Meaning of this Act, and of any Order or Orders which shall be made by His Majesty, His Heirs and Successors, by and with the Advice of His or Their Privy Council, concerning Quarantine and the Prevention of Infection, from the Time of the Departure of such Vessels from such infected Place as aforesaid, or from the Time when such Persons, Goods, Wares, Merchandize, Packets, Packages, Baggage, Wearing Apparel, Books, Letters, or other Articles shall have been received on board respectively; and all such Vessels and Boats as aforesaid, and all Persons (as well Pilots as others), Goods, Wares, and Merchandize, and all other Articles as aforesaid, whether coming or brought in such Vessels or Boats from such infected Place as aforesaid, or going or being put on board the same, either before or after the Arrival of such Vessels or Boats at any Port or Place in the United Kingdom, or the Islands aforesaid, and all Persons, Goods, Wares, and Merchandize, and other Articles as aforesaid, on board such Receiving Vessel or Boat as aforesaid, shall, upon their Arrival at any such Port or Place, be obliged to perform Quarantine in such Place or Places, for such Time, and in such Manner as shall from Time to Time be directed by His Majesty, His Heirs or Successors, by His or Their Order or Orders in Council, notified by Proclamation, or published in the *London Gazette*; and that until such Vessels and Boats, Persons, Goods, Wares, and Merchandize, and other Articles as aforesaid, shall have respectively performed, and shall be duly discharged from

from Quarantine, no such Person, Goods, Wares, or Merchandize, or other Articles as aforesaid, or any of them, shall, either before or after the Arrival of such Vessels or Boats at any Port or Place in the United Kingdom, or the Islands aforesaid, come or be brought on shore, or go and be put on board any other Vessel or Boat, in order to come or be brought on shore in any such Port or Place, although such Vessels so coming from such infected Place as aforesaid may not be bound to any Port or Place in the United Kingdom, or the Islands aforesaid, unless in such Manner and in such Cases, and by such Licence as shall be directed or permitted by such Order or Orders made by His Majesty, His Heirs or Successors, in Council, as aforesaid; and all such Vessels and Boats, whether coming from such infected Place as aforesaid, or being otherwise liable to Quarantine as aforesaid, and all Persons (as well Pilots as others), Goods, Wares, and Merchandize, and other Articles as aforesaid, whether coming or brought in such Vessels or Boats, or going or being put on board the same, either before or after the Arrival of such Vessels or Boats at any Port or Place in the United Kingdom, or the Islands aforesaid, and although such Vessels or Boats shall not be bound to any Port or Place in the United Kingdom, or the Islands aforesaid; and all Commanders, Masters, or other Persons, having the Charge or Command of any such Vessels or Boats, whether coming from any infected Place, or being otherwise liable to Quarantine as aforesaid, shall be subject to all Provisions, Rules, Regulations, and Restrictions contained in this Act, or in any Order or Orders which shall be made by His Majesty, His Heirs and Successors, in Council, as aforesaid, concerning Quarantine and the Prevention of Infection, and to all the Pains, Penalties, Forfeitures, and Punishments contained in this Act, for any Breach or Disobedience thereof, or of any Order or Orders of His Majesty in Council made under the Authority thereof.

III. And be it further enacted, That it shall and may be lawful for His Majesty, His Heirs and Successors, by His or Their Order in Council, or for the Lords or others of His or Their Privy Council, or any Two or more of them, by their Order from Time to Time, as often as they may see Reason to apprehend that the Yellow Fever or other highly infectious Distemper prevails on the Continent of *America*, or in the *West Indies*, to require that every Vessel coming from or having touched at any Port or Place on the Continent of *America* or in the *West Indies*, shall come to an Anchor at certain Places to be appointed from Time to Time by the Commissioners of His Majesty's Customs (who are hereby authorized to make such Appointment), for the Purpose of having the State of Health of the Crew of such Vessel ascertained before such Vessel shall be permitted to enter the Port whereto she shall be bound, or any other Port of the United Kingdom; but that such Vessel shall not be deemed liable to Quarantine unless it shall be afterwards specially ordered under that Restraint.

Power for Privy Council to order Vessels coming from America or the West Indies, when the Yellow Fever, &c. prevails there, to go to certain Places without being liable to Quarantine.

IV. Provided always, and be it enacted, That it shall and may be lawful for the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, by his or their Order or Orders, made by the Advice and Consent

Power to Lord Lieutenant, where the Urgency of the Case

requires, to
give Direc-
tions, by
Proclama-
tion, where
Vessels shall
perform
Quarantine,
&c.

Consent of His Majesty's Privy Council in *Ireland*, and notified by Proclamation, to give Directions, where the Urgency of the Case shall require, as to the Place or Places, and as to the Time and Manner in which Ships and Vessels arriving, and Persons, Goods, and Merchandizes coming or imported into any Port or Place in *Ireland*, shall make their Quarantine, in pursuance of the Provisions of this Act; and that until such Ships, Vessels, Persons, Goods, and Merchandizes shall have respectively performed and been discharged from such Quarantine, pursuant to the Provisions of this Act, it shall and may be lawful for any such Persons, Goods, or Merchandizes, or any of them, to come or be brought on shore, or to go or be put on board any other Ship or Vessel in any Place in *Ireland*, in such Cases, and by such Licence as shall or may be directed or permitted by any Order or Orders to be made by the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, by the Advice and Consent of the Privy Council there, and notified as aforesaid; and that all such Ships and Vessels, and the Persons or Goods coming or imported in, or going and being put on board such Ships or Vessels, and all Ships, Vessels, Boats, and Persons receiving any Goods or Persons out of the same, and all Persons going on board any such Ship or Vessels, shall be subject to such Orders, Rules, and Directions concerning Quarantine and the preventing Infection, as shall be made from Time to Time by the Lord Lieutenant or other Chief Governor or Governors of *Ireland* in Council, and shall be notified by Proclamation as aforesaid, in pursuance of the Provisions contained in this Act; and that the Publication in the *Dublin Gazette* of any Order or Orders of the Lord Lieutenant or other Chief Governor or Governors and Council, made in pursuance of this Act, shall be deemed and taken to be sufficient Notice to all Persons concerned, of all Matters contained in any such Order or Orders respectively.

Goods and
Vessels spe-
cified in any
Order of
Council sub-
ject to Qua-
rantine, as
also all Ves-
sels arriving
from any
Port under
suspicious
Circum-
stances as to
Infection.

V. And whereas certain Sorts of Goods and Merchandize are more especially liable to retain Infection, and may be brought from Places infected into other Countries, and from thence imported into the United Kingdom, or the Islands aforesaid: Be it enacted, That all such Goods and Merchandize as shall be particularly specified for that Purpose in any Order or Orders made by His Majesty, His Heirs or Successors, in Council, concerning Quarantine and the Prevention of Infection as aforesaid, which shall be brought or imported into any Port or Place in the United Kingdom, or the Islands aforesaid, from any Foreign Country or Place, in any Vessel whatever, and the Vessels in which the same shall be brought, and also all Vessels which shall arrive from any Port or Place whatever, under any alarming or suspicious Circumstances as to Infection, shall be subject and liable to such Regulations and Restrictions as shall be made by such Order or Orders of His Majesty, His Heirs or Successors, in Council as aforesaid, respecting the same.

The Privy
Council may
make such
Order as
they shall

VI. And be it further enacted, That it shall and may be lawful for the Lords and others of His Majesty's Privy Council, or any Two or more of them, to make such Order as they shall see necessary and expedient upon any unforeseen Emergency, or in any particular
Case

Case or Cases, with respect to any Vessel arriving and having any infectious Disease or Distemper on board, or on board of which any infectious Disease or Distemper may have appeared in the course of the Voyage, or arriving under any other alarming or suspicious Circumstances as to Infection, although such Vessels shall not have come from any Place from which His Majesty, His Heirs or Successors, by and with the Advice of His Privy Council, may have adjudged and declared it probable that the Plague or any such infectious Disease or Distemper may be brought, and also with respect to the Persons, Goods, Wares, and Merchandize, and other Articles as aforesaid on board the same, and in case of any infectious Disease or Distemper appearing or breaking out in the United Kingdom, or the Islands aforesaid, to make such Orders and give such Direction, in order to cut off all Communication between any Persons infected with any such Disease or Distemper, and the rest of His Majesty's Subjects, as shall appear to the said Lords or others of His Majesty's Privy Council, or any Two or more of them, to be necessary and expedient for that Purpose, and likewise to make such Orders as they shall see fit, for shortening the Time of Quarantine to be performed by particular Vessels or particular Persons, Goods, Wares, Merchandize, or any other Articles, or for absolutely or conditionally releasing them or any of them from Quarantine; and all such Orders so made by the Lords or others of the Privy Council, or any Two or more of them as aforesaid, shall be as good, valid, and effectual, to all Intents and Purposes, as well with respect to the Commander, Master, or other Person having the Charge of any Vessel, and all other Persons on board the same, as with respect to any other Persons having any Intercourse or Communication with them, and to the Penalties, Forfeitures, and Punishments to which they may respectively become liable, as any Order or Orders made by His Majesty, His Heirs or Successors, by and with the Advice of His or Their Privy Council, concerning Quarantine, notified by Proclamation or published in the *London Gazette*.

VII. And be it further enacted, That if the Plague, or such other infectious Disease or Distemper as aforesaid, shall appear on board any Vessel within or without the Streights of *Gibraltar*, then the Commander, Master, or other Person having the Charge or Command thereof, shall immediately proceed to such Place as His Majesty, His Heirs or Successors, by and with the Advice of His or Their Privy Council, shall from Time to Time direct and appoint; where being arrived, he shall make known his Case to some Officer of the Customs there, who shall with all possible Speed send Intelligence thereof to the Commissioners of the Customs in the Port of *London*, to the end that such Precautions may be used to prevent the spreading of the Infection, as the Case shall require; and the said Vessel shall there remain until Directions shall be given thereto by the Lords or others of His Majesty's Privy Council, or any Two or more of them; nor shall any of the Crew or Passengers on board thereof go on shore; and such Master and every other Person on board such Vessel shall obey such Directions as he shall receive from the Lords and others of His Majesty's Privy Council, or any Two or more of them as aforesaid; and the said Commander, Master, or any other Person on board such Vessel as aforesaid, who shall not act conformably to the Pro-

think necessary upon Emergencies.

Regulations for Vessels in which Infection shall appear within or without the Streights of Gibraltar.

visions and Regulations herein directed, or shall act in disobedience to such Directions as shall be received on board such Vessel from the Lords or others of the Privy Council, or any Two or more of them as aforesaid, shall forfeit the Sum of One hundred Pounds.

Masters of Vessels liable to Quarantine to make Signals on meeting other Vessels at Sea, or being within Two Leagues of the United Kingdom, or Guernsey, &c., on Penalty of 100*l*.

VIII. And be it further enacted, That every Commander, Master, or other Person having the Charge of any Vessel liable to the Performance of Quarantine, shall be and is hereby required, at all Times, when such Vessel shall meet with any other Vessel at Sea, or shall be within Two Leagues of the Coast of the United Kingdom, or the Islands of *Guernsey, Jersey, Alderney, Sark, or Man*, to hoist a Signal to denote that his Vessel is liable to the Performance of Quarantine, which Signal shall in the Day-time, if the said Vessel shall have a Clean Bill of Health, a large Yellow Flag, of Six Breadths of Bunting, at the Maintop Mast-head, and if such Vessel shall not have a Clean Bill of Health, then a like Yellow Flag, with a circular Mark or Ball, entirely Black in the Middle thereof, whose Diameter shall be equal to Two Breadths of Bunting; and in the Night-time the Signal shall in both Cases be a large Signal Lanthorn with a Light therein (such as is commonly used on board His Majesty's Ships of War), at the same Mast-head; and such Commander, Master, or other Person shall keep such Signals respectively, as the Case shall be, hoisted during such Time as the said Vessel shall continue within Sight of such other Vessel, or within Two Leagues of the said Coasts or Islands, and while so in Sight, or within such Distance, until such Vessel so liable to Quarantine as aforesaid shall have arrived at the Port or Place where it is to perform Quarantine, and until it shall have been legally discharged from the Performance thereof; on Failure whereof such Commander, Master, or other Person having Charge of such Ship or Vessel so liable to the Performance of Quarantine shall forfeit and pay for every such Offence the Sum of One hundred Pounds.

Masters of Vessels to hoist certain Signals when Plague or infectious Disease on board, on Penalty of 100*l*.

IX. And be it further enacted, That every Commander, Master, or other Person having the Charge of any Vessel on board whereof the Plague or other infectious Disease or Distemper highly dangerous to the Health of His Majesty's Subjects shall actually be, shall be and is hereby required at all Times when such Vessel shall meet with any other Vessel at Sea, or shall be within Two Leagues of the Coast of the United Kingdom, or the Islands of *Guernsey, Jersey, Alderney, Sark, or Man*, to hoist a Signal to denote that his Vessel has the Plague or other infectious Disease or Distemper highly dangerous to the Health of His Majesty's Subjects actually on board thereof, which Signal shall be in the Day-time a Flag of Yellow and Black, borne Quarterly, of Eight Breadths of Bunting, at the Maintop Mast-head; and in the Night-time, the Signal shall be Two large Signal Lanthorns, such as are commonly used on board of His Majesty's Ships of War, one over the other, at the same Mast-head; and such Commander, Master, or other Person shall keep such Signal hoisted during such Time as the said Vessel so having the Plague or such other infectious Disease or Distemper as aforesaid on board thereof, shall continue within Sight of such other Vessel, or within Two Leagues of the Coasts or Islands aforesaid, while so in Sight or within such Distance, until such Vessel so having the Plague or such other infectious Disease

or

or Distemper as aforesaid on board thereof, shall have arrived at the Port or Place where it is to perform Quarantine, and until it shall have been legally discharged from the Performance thereof; on Failure thereof such Commander, Master, or other Person having Charge of such Vessel shall forfeit and pay for every such Offence the Sum of One hundred Pounds.

X. And be it further enacted, That if any Commander, Master, or other Person having the Charge or Command of any Vessel, and knowing that the same is not liable to the Performance of Quarantine, shall hoist such Signal as aforesaid, or either of them, by Day or Night respectively, such Commander or other Person as aforesaid shall forfeit and pay the Sum of Fifty Pounds.

Penalty on Persons hoisting Signals when not liable, 50*l*.

XI. And be it further enacted, That from and after the First Day of *July* One thousand eight hundred and twenty-five, as to all Vessels arriving from any Places beyond the *Cape of Good Hope*, or *Cape Horn* in *South America*, and after the First Day of *August* One thousand eight hundred and twenty-five, as to all Vessels arriving from any Parts of *Africa* or *America* not beyond those Capes, and from the *West Indies* and *Mediterranean*, and from and after the First Day of *June* One thousand eight hundred and twenty-five, as to all Vessels arriving from any other Places, every Commander, Master, or other Person having the Charge of any Vessel coming from Foreign Parts, shall give to the Pilot who shall go on board such Vessel a written Paper, containing a true Account of the Names of the Place and Country at which such Vessel shall have loaded, and also of all the Places at which any such Vessel shall have touched on the Homeward Voyage, on pain of forfeiting the Sum of One hundred Pounds for any Neglect or Refusal to give such Paper, or for any false Representation or wilful Omission therein; and if by any Proclamation or Order of His Majesty in Council, made after the Departure of any Vessel from the United Kingdom and the said Islands, and then in force, Vessels coming from any Place mentioned in any such Paper shall be liable to the Performance of Quarantine, such Pilot shall immediately give Notice thereof to the Commander or other Person aforesaid, of such Vessel, on pain of forfeiting the Sum of One hundred Pounds for any Neglect therein; and such Commander or other Person shall thereupon hoist a proper Signal, according to the Provisions of this Act, and under the Penalties in this Act contained for any Neglect or Refusal in respect of hoisting such Signals.

Masters of Vessels, on their Arrival from Foreign Parts, to give to the Pilots an Account of the Places at which they shall have loaded and touched, on Penalty of 100*l*.

Pilots to give Notice of any Proclamation or Order in Council requiring the Performance of Quarantine, on Penalty of 100*l*.

XII. And be it further enacted, That every Commander, Master, or other Person having the Charge of any Vessel coming from Foreign Parts, which shall not be liable to Quarantine in respect of the Place from whence such Vessel comes, shall give to the Pilot who shall go on board of such Vessel a written Paper, containing a true Account of the different Articles composing the Cargo of such Vessel, on pain of forfeiting the Sum of Fifty Pounds for any Neglect or Refusal to give such Paper, or for any false Representation or wilful Omission therein; and if by any Proclamation or Order of His Majesty in Council then in force, Vessels having on board any of the Articles mentioned

Pilot to give Notice if any Articles be on board liable to Quarantine, on Penalty of 100*l*.

Penalty on Pilots conducting Vessels to any other Place than that appointed for their Reception, 200*l*.

mentioned in such Paper shall be liable to the Performance of Quarantine, such Pilot shall immediately give Notice thereof to the Commander or other Person having the Charge of such Vessel, on pain of forfeiting One hundred Pounds for any Neglect therein, and such Commander or other Person shall thereupon hoist a Signal, according to the Provisions and under the respective Penalties in this Act contained, for any Neglect or Refusal in respect of hoisting such Signals; and in case any Pilot shall bring or cause to be brought or conducted any Vessel liable to the Performance of Quarantine, into any Place which is not or shall not be specially appointed for the Reception of Vessels so liable, after receiving such Paper as aforesaid, whereby it shall have been made appear that such Vessel was liable to the Performance of Quarantine, or without requiring and receiving such Paper as aforesaid, unless compelled thereto by Stress of Weather, adverse Winds, or Accidents of the Sea, such Pilot shall for every such Offence forfeit and pay the Sum of Two hundred Pounds.

Pilot to bring to at Request of Officer of Customs, on Penalty of 100*l*.

XIII. And be it further enacted, That if any Pilot being on board, or any Commander, Master, or other Person having the Charge of any Vessel coming from Foreign Parts, whether such Vessel shall be liable to Quarantine or not, shall be required by any Officer of the Customs, authorized to act in the Service of Quarantine, to bring to such Vessel, to the end that the Commander, Master, or other Person having the Charge thereof may be interrogated, according to the Provision of this Act, and shall neglect or refuse to bring to such Vessel, as soon as it can be done with Safety, in obedience to such Requisition, every such Pilot, Commander, Master, or other Person having the Charge of any such Vessel shall for every such Offence forfeit and pay the Sum of One hundred Pounds.

For better ascertaining whether Vessels be actually infected, or the Persons on board liable to Orders touching Quarantine.

XIV. And to the end that it may be better known whether any Vessel be actually infected with the Plague or other infectious Disease or Distemper as aforesaid, or whether such Vessel, or the Mariners or Passengers coming, or the Cargo imported in the same, are liable to any Orders touching Quarantine, be it further enacted, That when any Country or Place shall be known or suspected to be infected with the Plague or other infectious Disease or Distemper as aforesaid, or when any Order or Orders shall be made by His Majesty in Council concerning Quarantine and the Prevention of Infection as aforesaid, then and in such Case, as often as any Vessel shall attempt to enter into any Port or Place in the United Kingdom, or of the Isles of *Guernsey*, *Jersey*, *Alderney*, *Sark*, or *Man*, whether such Port shall have been appointed for the Performance of Quarantine or not, the Superintendent or Assistant at such Port or Place, or if not, the principal Officer of His Majesty's Customs at such Port or Place, or such Officer of the Customs as shall be authorized to act in that Behalf, shall go off to such Vessel, and shall, at a convenient Distance from such Vessel, demand of the Commander, Master, or other Person having Charge of such Vessel, and such Commander, Master, or other Person shall, upon such Demand, give a true Answer in Writing or otherwise, and upon Oath or not upon Oath, according as he shall by such Superintendent or his Assistant, or other Officer of the Customs authorized

as

as aforesaid, be required, to all such Questions or Interrogatories as shall be put to him by virtue and in pursuance of such Regulations and Directions as His Majesty by Order in Council shall be pleased to prescribe ; and in case such Commander or Master or other Person having Charge of such Vessel shall, upon such Demand made as aforesaid, refuse to make a true Discovery in any of the Particulars concerning which he shall be interrogated in manner aforesaid, or in case he shall not be required to answer such Questions or Interrogatories upon Oath, shall give a false Answer to any such Question or Interrogatory as aforesaid, such Commander, Master, or other Person having Charge of such Vessel for every such Offence shall forfeit and pay the Sum of Two hundred Pounds.

Masters of Vessels refusing to answer Interrogatories, &c. to forfeit 200*l*.

XV. And be it further enacted, That in case it shall appear upon such Examination or otherwise, that such Vessel is under such Circumstances as shall render it liable to perform Quarantine, and that the Port or Place where it so arrived, or at which it attempts to enter as aforesaid, is not the Port or Place where it ought to perform Quarantine, in which Case it shall and may be lawful to and for the Officers of any of His Majesty's Ships of War, or of any of His Majesty's Forts or Garrisons, and all other His Majesty's Officers, upon Notice thereof given to them, or any of them respectively, and to and for any other Person or Persons whom they shall call to their Aid and Assistance, and such Officers and other Persons are hereby required to oblige such Vessel to go and repair to such Place as hath been or shall be appointed for Performance of Quarantine, and to use all necessary Means for that Purpose, either by firing of Guns upon such Vessel, or by any other Kind of necessary Force whatsoever ; and in case any such Vessel shall come from, or shall have touched at any Place infected by the Plague or such other infectious Disease or Distemper as aforesaid, or shall have any Person on board actually infected with the Plague or other such infectious Disease or Distemper as aforesaid, and the Commander, Master, or other Person having Charge of such Vessel, knowing that the Place from whence he came, or at which he had touched as aforesaid, was infected with the Plague or such other infectious Disease or Distemper, or knowing some Person on board to be actually infected with the Plague or such other infectious Disease or Distemper as aforesaid, shall refuse or omit to disclose the same upon such Examination as aforesaid, or shall wilfully omit to hoist the Signal herein-before directed, to denote that his Vessel is liable to the Performance of Quarantine, at the Times and on the Occasions herein directed with respect to the same, such Commander, Master, or other Person having Charge of such Vessel shall forfeit the Sum of Three hundred Pounds.

Vessels subject to Quarantine arriving at any Port than that at which it ought to be performed, may be forced to repair to the appointed Place.

Masters of Vessels that have touched at infected Places, &c. omitting to disclose the same, or omitting to hoist the prescribed Signal, to forfeit 300*l*.

XVI. And be it further enacted, That every Commander, Master, or other Person having Charge of any Vessel which shall be ordered to perform Quarantine as aforesaid, shall forthwith, after his Arrival at the Place appointed for the Performance of Quarantine, deliver on Demand to the Superintendent of Quarantine or his Assistant, or other Officer of the Customs, authorized to act in that Behalf, and which Superintendent, Assistant, or other Officer as aforesaid is hereby required to make such Demand, his Bill of Health and Manifest,

Commanders to deliver up Bills of Health, Manifests, and Log Book, to the Superintendent of Quarantine, on Penalty of 100*l*.

together with his Log Book and Journal, under pain of forfeiting the Sum of One hundred Pounds if he shall wilfully refuse or neglect so to do.

Penalty on Masters, &c. quitting Vessels, or permitting Persons to quit them, or not conveying same to the appointed Places, 400*l*.

Penalty on Persons coming in such Vessels, or going on board, and quitting them before discharged from Quarantine, to suffer Imprisonment for Six Months, and forfeit 300*l*.

For punishing Disobedience or refractory Behaviour in Persons under or liable to Quarantine, or Persons having Intercourse with them.

XVII. And be it further enacted, That if any Commander, Master, or other Person having Charge of any Vessel liable to perform Quarantine, and on board of which the Plague or other infectious Disease or Distemper shall not then have appeared, shall himself quit, or shall knowingly permit or suffer any Seaman or Passenger coming in such Vessel to quit such Vessel by going on shore, or by going on board any other Vessel or Boat, before such Quarantine shall be fully performed, unless by such Licence as shall be granted by virtue of any Order in Council to be made concerning Quarantine as aforesaid, or in case any Commander or other Person having Charge of such Vessel shall not, within a convenient Time after due Notice given for that Purpose, cause such Vessel and the Lading thereof to be conveyed into the Place or Places appointed for such Vessel and Lading to perform Quarantine; then and in every such Case every such Commander, Master, or other Person as aforesaid, for every such Offence shall forfeit and pay the Sum of Four hundred Pounds; and if any such Person coming in any such Vessel liable to Quarantine (or any Pilot or other Person going on board the same, either before or after the Arrival of such Vessel at any Port or Place in the United Kingdom, or the Islands aforesaid), shall, either before or after such Arrival, quit such Vessel, unless by such Licence as aforesaid, by going on shore in any Port or Place in the United Kingdom, or the Islands aforesaid, or by going on board any other Vessel or Boat, with Intent to go on shore as aforesaid, before such Vessel so liable to Quarantine as aforesaid shall be regularly discharged from the Performance thereof, it shall and may be lawful for any Person whatsoever, by any kind of necessary Force, to compel such Pilot or other Person so quitting such Vessel so liable to Quarantine to return on board the same; and every such Pilot or other Person so quitting such Vessel so liable to Quarantine shall for every such Offence suffer Imprisonment for the Space of Six Months, and shall forfeit and pay the Sum of Three hundred Pounds.

XVIII. And whereas Disobedience or refractory Behaviour in Persons under Quarantine or liable to the Performance of Quarantine, or in other Persons who may have had any Intercourse or Communication with them, may be attended with very great Danger to His Majesty's Subjects: Be it further enacted, That all Persons liable to perform Quarantine, and all Persons having had any Intercourse or Communication with them, whether in Vessels or in a Lazaret or elsewhere, shall be subject, during the said Quarantine, or during the Time they shall be liable to Quarantine, to such Orders as they shall receive from the Superintendent of Quarantine, or his Assistant, or from the Principal Officer of the Customs at any Port or Place where there is no such Superintendent or Assistant, or from any other Officer of the Customs authorized to act in that Behalf, and the said Officers are hereby empowered and required to enforce all necessary Obedience to the said Orders, and in case of Necessity to call in others to their Assistance, and all Persons so called in are hereby required to assist accordingly;

accordingly; and such Officers shall and they are hereby empowered and required to compel all Persons liable to perform Quarantine as aforesaid, and Persons having had any Intercourse or Communication with them, to repair to such Lazaret, Vessel, or Place, and to cause all Goods, Wares, and Merchandize, and other Articles comprised within any such Orders to be made as last aforesaid, to be conveyed to such Lazaret, Vessel, or Place duly appointed in that Behalf, in such Manner and according to such Directions as shall be made by Order of His Majesty in Council as aforesaid, or of the Lords or others of the Privy Council, or of any Two or more of them; and if any Person or Persons liable to perform Quarantine as aforesaid, or any Person or Persons having had any Intercourse or Communication with him, her, or them, shall wilfully refuse or neglect to repair forthwith, when required and directed so to do by such Officers as aforesaid, to the said Lazaret, Vessel, or Place duly appointed in that Behalf, or having been placed in the said Lazaret, Vessel, or Place, shall escape or attempt to escape out of the same before Quarantine duly performed, it shall and may be lawful to and for the said Quarantine Officers, and also the Watchmen and other Persons appointed to see Quarantine performed, and each of them, and they are hereby respectively required, by such necessary Force as the Case shall require, to compel every such Person so refusing or neglecting as aforesaid, and every such Person so escaping or attempting to escape as aforesaid, to repair or return to such Lazaret, Vessel, or Place so appointed as aforesaid; and every Person so refusing or neglecting to repair forthwith as aforesaid to the said Lazaret, Vessel, or Place, and also every Person actually escaping as aforesaid, shall forfeit the Penalty of Two hundred Pounds.

Persons refusing to repair to the Lazaret or Vessel, to forfeit 200*l*.

XIX. And be it further enacted, That it shall be lawful for any Constable, Headborough, Tithingman, or other Peace Officer, or any other Person, to seize and apprehend any Person that shall, contrary to the Provisions of this Act, have quitted or come on shore from any Vessel liable to perform Quarantine, or who shall have escaped from or quitted any Vessel under Quarantine, or from any Lazaret, Vessel, or Place appointed in that Behalf, for the Purpose of carrying such Person before any Justice of the Peace or Magistrate; and it shall be lawful for any such Justice of the Peace or Magistrate to grant his Warrant for the apprehending and conveying of any such Person to the Vessel from which he or she shall have come on shore, or to any Vessel performing Quarantine, or Lazaret, from which he or she shall have escaped, or for the confining of any such Person in any such Place of safe Custody (not being a public Gaol), and under such Restrictions as to having any Communication with any other Persons, as may in the Discretion of any Justice of the Peace or Magistrate (calling to his Aid, if he shall see fit, any Medical Person) appear to be proper, until such Person can be safely and securely conveyed to some Place appointed for the Performance of Quarantine, or until Directions can be obtained from the Privy Council as to the Disposal of any such Person, and to make any further Order, or grant any further Warrant that may be necessary in that Behalf.

Persons quitting Vessels liable to perform Quarantine, &c. may be seized.

XX. And

Intercourse with Stations allotted for Quarantine of Vessels, may be prohibited by Order in Council.

XX. And whereas it may be necessary for the public Security to prevent all Communication whatever with Vessels performing Quarantine: Be it therefore further enacted, That it shall and may be lawful to and for His Majesty, His Heirs or Successors, by His or Their Order or Orders in Council, notified by Proclamation or published in the *London Gazette*, to prohibit all Persons, Vessels, and Boats whatsoever, from going, under any Pretence whatsoever, within the Limits of any Station which by any Order or Orders in Council as aforesaid has been or may be assigned for the Performance of Quarantine; and if any Person whatsoever, after such Notification or Publication of any such Order or Orders in Council, shall presume, under any Pretence whatsoever, to go with any Vessel or Boat within the Limits of any such Station, he or she shall for every such Offence forfeit and pay the Sum of Two hundred Pounds.

Penalty on Persons embezzling Goods performing Quarantine, neglecting or deserting their Duty, or permitting Persons, Vessels, &c. to depart without Authority, or giving false Certificates or damaging Goods.

XXI. And be it further enacted, That if any Officer of His Majesty's Customs, or any other Officer or Person whatsoever, to whom it doth or shall appertain to execute any Order or Orders made or to be made concerning Quarantine, or the Prevention of Infection, and notified as aforesaid, or to see the same put in execution, shall knowingly and wilfully embezzle any Goods or Articles performing Quarantine, or be guilty of any other Breach or Neglect of his Duty in respect of the Vessels, Persons, Goods, or Articles performing Quarantine, every such Officer or Person so offending shall forfeit such Office or Employment as he may be possessed of, and shall become from thence incapable to hold or enjoy the same, or to take a new Grant thereof; and every such Officer and Person shall forfeit and pay the Sum of Two hundred Pounds; and if any such Officer or Person shall desert from his Duty when employed as aforesaid, or shall knowingly and willingly permit any Person, Vessel, Goods, or Merchandize to depart or be conveyed out of the said Lazaret, Vessel, or other Place as aforesaid, unless by Permission under an Order of His Majesty, by and with the Advice of His Privy Council, or under an Order of Two or more of the Lords or others of His Privy Council; or if any Person hereby authorized and directed to give a Certificate of a Vessel having duly performed Quarantine or airing, shall knowingly give a false Certificate thereof, every such Person so offending shall be guilty of Felony; and if any such Officer or Person shall knowingly or wilfully damage any Goods performing Quarantine under his Direction, he shall be liable to pay One hundred Pounds Damages and full Costs of Suit to the Owner of the same.

Vessels from the Mediterranean, Turkey, or Africa, having undergone Examination and released from Quarantine, to be admitted to Entry upon pro-

XXII. And be it further enacted, That if any Vessel arriving from the *Mediterranean*, or from any Port in *Turkey* or *Africa*, shall have undergone Examination by the proper Officer of Quarantine, and upon a Report of such Examination being made to the Lords or others of His Majesty's Privy Council, their Lordships shall think proper to direct the Release of such Vessel from the Performance of Quarantine, it shall be lawful for such Officer and he is hereby required to grant to the Master or Person having the Charge or Command of such Vessel, a Certificate in Writing of such Examination and Release, and upon the Production of such Certificate to the Collector or principal Officer of His Majesty's Customs, at any Port in the United

United Kingdom, such Vessel shall be admitted to Entry without being liable to any further Restraint.

ducing a Certificate of such Examination. After Proof of Performance of Quarantine, and proper Certificate to that Effect, Vessels or Persons shall not be liable to further Detention.

XXIII. And be it further enacted, That after Quarantine shall have been duly performed by any Vessel, Person or Persons, obliged to perform Quarantine as aforesaid, according to this Act, and to such Order or Orders made as aforesaid, and upon Proof to be made by the Oaths of the Master or other Person having Charge of such Vessel, and of Three or more of the Persons belonging thereto, or upon Proof to be made by the Oaths of Two or more credible Witnesses, before the Collector or principal Officer of the Customs at the Port where such Quarantine shall be performed, or at the Port nearest thereto, or before the Superintendent of Quarantine, or his Assistant at the Quarantine Station, or before any Justice of the Peace living near to the Port or Place, or when such Quarantine shall have been performed within any of the said Isles of *Guernsey*, *Jersey*, *Alderney*, *Sark*, or *Man*, before any Two Jurats or Magistrates of any of the said Isles respectively, that such Vessel, and all and every such Person and Persons respectively, have duly performed Quarantine as aforesaid, and that the Vessel and all and every Person and Persons are free from Infection, and after producing a Certificate to that Purpose, signed by the Chief Officer who superintended the Quarantine of the said Vessel, or Person acting for him, then and in the said respective Cases such Collector or principal Officer of the Customs, or the Superintendent of Quarantine, or his Assistant, or such Justice of the Peace, or such Jurats or Magistrates as aforesaid, respectively, are hereby required to give a Certificate thereof, and thereupon such Vessel, and all and every such Person or Persons so having performed Quarantine, shall be liable to no further Restraint or Detention upon the same Account, for which such Vessel, Person or Persons, shall have performed Quarantine as aforesaid.

XXIV. And be it further enacted, That all Goods, Wares, and Merchandize, and other Articles liable to Quarantine as aforesaid, shall be opened and aired in such Place or Places, and for such Time and in such Manner as shall be directed by His Majesty, His Heirs and Successors, by such Order or Orders to be made as aforesaid, and after such Orders shall have been duly complied with, Proof thereof shall be made by the Oaths of the Master of the Lazaret or Vessel in which the Goods, Wares, and Merchandize and all other Articles shall have been opened and aired, and of One of the Guardians, or if there be no Guardians, then One of the Officers authorized by the Commissioners of Customs to act in the Service of Quarantine in such Lazaret or Vessel, or if there be no such Officer, then by the Oaths of Two or more credible Witnesses serving in the said Lazaret or Vessel, before the Superintendent of Quarantine or his Assistant, in case such Opening and Airing shall be had at a Port or Place where such Superintendent or Assistant shall be established, or otherwise before the principal Officer of the Customs authorized to act in the Service of Quarantine at such Port or Place, which Oath such Superintendent, Assistant, or principal Officer is hereby authorized to administer; and such Superintendent, Assistant, or principal Officer, as the Case may be, shall grant a Certificate of such Proof having been made,

Goods liable to perform Quarantine shall be opened and aired, as directed by Order in Council, and Proof thereof to be made, &c.

and upon Production of such Certificate to the proper Officer of the Customs, such Goods, Wares, and Merchandizes, and other Articles, shall be liable to no further Restraint or Detention, either at the Port or Place where such Quarantine shall have been performed, or at any other Place whereto they be afterwards conveyed.

Persons
forging or
uttering
false Cer-
tificates re-
quired by
Order in
Council,
guilty of
Felony.

XXV. And be it further enacted, That if any Person shall knowingly or wilfully forge or counterfeit, interline, erase, or alter, or procure to be forged or counterfeited, interlined, erased, or altered, any Certificate directed or required to be granted by any Order of His Majesty, His Heirs or Successors in Council, now in force or hereafter to be made touching Quarantine, or shall publish any such forged or counterfeited, interlined, erased, or altered Certificate, knowing the same to be forged or counterfeited, interlined, erased, or altered, or shall knowingly and wilfully utter and publish any such Certificate with Intent to obtain the Effect of a true Certificate to be given thereto, knowing the Contents of such Certificate to be false, he or she shall be guilty of Felony.

Penalty on
Persons
landing
Goods, &c.
from Vessels
liable to per-
form Qua-
rantine, or
receiving
them, or
secreting
them from
Vessels per-
forming
Quarantine,
100*l*.

XXVI. And be it further enacted, That if any Person shall land or unship, or shall move in order to the landing or unshipping thereof, any Goods, Wares, or Merchandize, Packets, Packages, Baggage, Wearing Apparel, Books, Letters, or other Articles from on board any Vessel liable to perform Quarantine as aforesaid, or shall knowingly receive the same after they have been so landed or unshipped, every such Person shall forfeit and pay the Sum of Five hundred Pounds; and if any Person or Persons shall clandestinely convey or secrete, or conceal for the Purpose of conveying any Letters, Goods, Wares, or Merchandize or other Articles as aforesaid, from any Vessel actually performing Quarantine, or from the Lazaret or other Place where such Goods, Wares, Merchandize, or other Articles as aforesaid shall be performing Quarantine, every such Person so offending as last aforesaid shall forfeit the Sum of One hundred Pounds.

His Majesty
in certain
Cases may
prohibit Ves-
sels under
100 Tons
from sailing
until Bond
be given by
the Master
with certain
Conditions.

XXVII. And be it further enacted, That in case it shall at any Time happen that any Part of the United Kingdom, or the Islands of *Guernsey, Jersey, Alderney, Sark, or Man, or France, Spain, or Portugal*, or the *Low Countries*, shall be infected with the Plague, or any other infectious Disease or Distemper as aforesaid, it shall and may be lawful to and for His Majesty, His Heirs and Successors, by His or Their Proclamation, to prohibit or restrain all Vessels and Boats under the Burthen of One hundred Tons from sailing or passing out of any Port or Place of the United Kingdom, or the Isles of *Guernsey, Jersey, Alderney, Sark, or Man*, or any of them, until Security be first given by the Master of every such Vessel or Boat respectively, to the Satisfaction of the principal Officers of the Customs, or the Chief Magistrate of the Port or Place from whence such Vessel or Boat shall sail, by Bond taken by such Officer or Magistrate, to the King, His Heirs or Successors, with sufficient Sureties in the Penalty of Two hundred Pounds, with Condition, that if such Vessel or Boat shall not go to or touch at any Country, Port, or Place to be mentioned for that Purpose in such Proclamation, and if neither the Master or other Person having Charge of such Vessel or Boat,

nor

nor any Mariner or Passenger in such Vessel or Boat, shall, during the Time aforesaid, go on board any other Vessel at Sea, and such Master or other Person having Charge of such Vessel or Boat shall not permit or suffer any Person or Persons to come on board such Vessel or Boat at Sea from any other Vessel, and shall not during the Time aforesaid, receive any Goods or Merchandize whatsoever out of any other Vessel, then such Bond shall be void; for the making of which Bond no Fee or Reward whatsoever shall be taken; and in case any Vessel or Boat for which such Security shall be required by such Proclamation shall set sail or pass out of any Port or Place of the United Kingdom, or the Islands of *Guernsey, Jersey, Alderney, Sark, or Man*, or any of them respectively, before Security be given as aforesaid, every such Vessel or Boat so sailing or passing out of any Port or Place contrary to the true Intent and Meaning of this Act, together with her Tackle, Apparel, and Furniture, shall be forfeited to His Majesty, His Heirs and Successors, and the Master of and every Mariner sailing in such Vessel or Boat shall severally forfeit and pay the Sum of Two hundred Pounds.

Penalty for sailing without giving such Security, Forfeiture of Vessel, &c.

XXVIII. And be it further enacted, That the Consuls and Vice-Consuls of His Majesty, His Heirs and Successors, shall and are hereby empowered to administer Oaths in all Cases respecting Quarantine, in like Manner as if they were Magistrates of the several Towns or Places where they respectively reside.

Power to Consuls, &c. to administer Oaths.

XXIX. And be it further enacted, That in all Cases wherein by virtue of this Act, or any other Act hereafter to be made touching Quarantine, any Examination or Answer shall be taken or made upon Oath, the Person who shall be authorized and required to take such Examinations and Answers shall and may be deemed to have full Power and Authority to administer such Oaths; and if any Person who shall be interrogated or examined shall wilfully swear falsely to any Matter concerning which such Person shall depose or make Oath on such Examination, or in such Answer, or if any Person shall procure any other Person so to do, he or she so swearing falsely, or procuring any other Person so to do, shall be deemed to have been guilty of and shall be liable to be prosecuted for Perjury or Subornation of Perjury, as the Case may be, and shall suffer the Pains, Penalties, and Punishments of the Law in such Case respectively made and provided.

Persons authorized to take Examinations may administer Oaths, and Persons swearing falsely or procuring others so to do shall be deemed guilty of Perjury.

XXX. And be it further enacted, That all Superintendents of Quarantine at the several Ports, and their Assistants, shall and may be appointed by any Instrument signed by the Commissioners of Customs for the Time being; and everything required to be done and performed by the Superintendent of Quarantine, or his Assistant, may, in case of the Absence or Sickness of such Superintendent or Assistant, be done and performed by such principal Officer of the Customs as shall be authorized to act in that Behalf.

Superintendents at Ports to be appointed. Principal Officer of the Customs to act as Superintendent of Quarantine in case of Absence, &c.

XXXI. And be it further enacted, That the Publication in the *London Gazette* of any Order in Council, or of any Order by any Two or more of the Lords or others of His Majesty's Privy Council, made in pursuance of this Act, or His Majesty's Royal Proclamation made in pursuance

Publication in the London Gazette of Orders of Council, &c. sufficient Notice.

pursuance of the same, shall be deemed and taken to be sufficient Notice to all Persons concerned of all Matters therein respectively contained.

Recovery
and Appli-
cation of
Penalties.

XXXII. And be it further enacted, That all Forfeitures and Penalties that shall be incurred by reason of any Offence committed against this Act shall and may be recovered by Suit in any of His Majesty's Courts of Record in *England* or *Ireland*, in which no Essoign or Wager of Law, or more than One Imparlancc, shall be granted, or in *Scotland* by summary Action in the Court of Session, or by Prosecution before the Court of Justiciary there, or by Suit in any of His Majesty's Courts in the Islands of *Guernsey*, *Jersey*, *Alderney*, *Sark*, or *Man*; and every such Forfeiture and Penalty shall belong and be given, Two Thirds to the Person who shall inform and sue for the same, and the Remainder to His Majesty, His Heirs and Successors.

In whose
Name Ac-
tions for
Penalties in
England,
Ireland, or
Scotland
must be pro-
secuted.

XXXIII. Provided always, and be it further enacted, That it shall not be lawful for any Person or Persons whatsoever to commence, prosecute, enter, or file, or cause or procure to be commenced, prosecuted, entered, or filed, any Action, Bill, Complaint, Information, or Prosecution, or Actions, Bills, Complaints, Informations, or Prosecutions, in any of His Majesty's Courts in *England*, *Ireland*, or *Scotland*, or any Proceeding or Proceedings before any Justice of the Peace of any County, Riding, Division, City, Town, Stewartry, or Place for the Recovery of any Fine, Penalty, or Forfeiture, Fines, Penalties, or Forfeitures, incurred by reason of any Offence committed against this Act, or against any Order or Orders made by His Majesty, His Heirs or Successors, in Council, or by Two or more of the Lords or others of His Majesty's Privy Council as aforesaid, unless the same be commenced, prosecuted, entered, or filed in the Names of His Majesty's Attorney General in *England* or *Ireland*, or Advocate in *Scotland* respectively, or under the Direction of the Commissioners of the Customs, and in the Name or Names of some Officer or Officers of the Customs in *England*, *Ireland*, or *Scotland* respectively; and if any Action, Bill, Complaint, Information, or Prosecution, Actions, Bills, Complaints, Informations, or Prosecutions, or any Proceeding or Proceedings before any Justice as aforesaid, shall be commenced, prosecuted, entered, and filed in the Name or Names of any other Person or Persons than is in that Behalf before mentioned, the same shall be and are hereby declared to be null and void.

In Prose-
cutions by
Officers of
the Customs
the Attorney
General in
England or
Ireland, or
Advocate in
Scotland,
may stop
Proceedings.

XXXIV. Provided also, and be it further enacted, That in case any Prosecution, Suit, Complaint, or other Proceeding as aforesaid, shall be commenced or depending by any Officer or Officers of the Customs, for the Recovery of any Fine, Penalty, or Forfeiture, Fines, Penalties, or Forfeitures, incurred by reason of any Offence committed against this Act, or against any Order or Orders made by His Majesty, His Heirs or Successors, in Council, or by any Two or more of the Lords or others of His Majesty's Privy Council as aforesaid, it shall and may be lawful for His Majesty's Attorney General in *England* or *Ireland*, or Advocate in *Scotland*, respectively, to stop all further Proceedings therein, as well with respect to the Share of such Fine, Penalty, or Forfeiture, Fines, Penalties, or Forfeitures, to which any such Officer

or

or Officers shall or may claim to be entitled, as to the Share thereof belonging to His Majesty, if upon Consideration of the Circumstances under which any such Fine, Penalty, or Forfeiture, Fines, Penalties, or Forfeitures, may be incurred, it shall appear to them respectively to be fit and proper so to do.

XXXV. And be it further enacted, That all Offences committed against any of the Provisions of this Act, for which no specific Penalty, Forfeiture, or Punishment is provided by this Act, shall and may be tried, heard, and determined before any Three Justices of the Peace of the County, Riding, Division, City, or Place where such Offence or Disobedience shall happen; and if any Person shall be convicted of any such Offence or Disobedience, he or she shall be liable to such Forfeiture and Penalty not exceeding the Sum of Five hundred Pounds for any Offence, or to such Imprisonment, not exceeding Twelve Months for any One Offence, as shall in the Discretion of the Three Justices who shall have heard and determined the same be judged proper; and such Forfeiture and Penalty shall be paid, Two Thirds to the Person suing for the same and the Remainder to His Majesty, to be applied as the Proceeds of other Forfeitures and Penalties are herein-before directed to be applied.

Offences not being Felony, and Offences for which no specific Penalty is provided, may be determined before Three Justices, who may fine or imprison.

Application of Penalties.

XXXVI. And be it further enacted, That in any Prosecution, Suit, or other Proceedings against any Person or Persons whatsoever, for any Offence against this Act, or any Act which may hereafter be passed concerning Quarantine, or for any Breach or Disobedience of any Order or Orders which shall be made by His Majesty, His Heirs or Successors, with the Advice of His Privy Council, concerning Quarantine and the Prevention of Infection, and notified or published as aforesaid, or of any Order or Orders made by Two or more of the Lords or others of the Privy Council aforesaid, the Answer or Answers of the Commander, Master, or other Person having charge of any Vessel, to any Question or Interrogatories put to him by virtue and in pursuance of this Act, or of any Act which may hereafter be passed concerning Quarantine, or of any such Order or Orders as aforesaid, may and shall be given and received as Evidence, so far as the same relates or relate to the Place from which such Vessel shall come, or to the Place or Places at which such Vessel touched in the course of the Voyage, and where any Vessel shall have been directed to perform Quarantine by the Superintendent of Quarantine or his Assistant, or where there is no such Superintendent or Assistant, by the principal Officer of the Customs at any Port or Place, or other Officer of the Customs authorized to act in that Behalf, they having been so directed to perform Quarantine, may and shall be given and received as Evidence that such Vessel was liable to Quarantine, unless satisfactory Proof shall be produced by the Defendant in any such Prosecution, Suit, or other Proceeding to show that the Vessel did not come from or touch at any such Place or Places as is or are stated in the said Answer or Answers, or that such Vessel, although directed to perform Quarantine, was not liable to the Performance thereof; and where any such Vessel shall have in fact been put under Quarantine at any Port or Place by the Superintendent of Quarantine or his Assistant, or other

Answers of Persons having the Charge of Vessels shall be received as Evidence so far as relates to the Places from which Vessels came, or at which they touched, and the having been directed to perform Quarantine shall be received as Evidence that Vessels were liable, unless Proof be made to the contrary, and the performing Quarantine shall be Proof of Vessels being liable to perform it.

Officer of the Customs authorized as aforesaid to act in that Behalf and shall actually be performing the same, such Vessel shall in any Prosecution, Suit, or other Proceeding against any Person or Persons whatever, for any Offence against this Act or any other Act which may hereafter be passed concerning Quarantine and the Prevention of Infection, or any Order or Orders which shall be made by His Majesty in Council, or any Two or more of the Lords or others of His Privy Council as aforesaid, be deemed and taken to be liable to Quarantine, without proving in what Manner or from what Circumstance such Vessel became liable to the Performance thereof.

General
Issue.

XXXVII. And be it further enacted, That if any Action or Suit shall be commenced against any Person or Persons for anything done in pursuance or execution of this present Act, or of any Order of Council made by virtue thereof, the Defendant or Defendants in such Action or Suit may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and in execution of the said Act; and if it shall appear so to have been done, then the Jury shall find for the Defendant or Defendants; and if the Plaintiff shall be nonsuited or discontinue his Action after the Defendant or Defendants shall have appeared, or if Judgment shall have been given upon any Verdict or Demurrer against the Plaintiff, the Defendant or Defendants shall and may recover Treble Costs, and have the like Remedy for the same as the Defendant or Defendants hath or have in other Cases by Law; and that no such Action or Suit shall be brought against any Person for any Matter or Thing done in pursuance or execution of this Act, but within the Space of Six Months after such Matter or Thing shall have been done.

Treble Costs.

Limitation
of Actions.

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